



## Senate

General Assembly

**File No. 542**

February Session, 2004

Substitute Senate Bill No. 28

*Senate, April 13, 2004*

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-1 of the general statutes, as  
2 amended by section 5 of public act 03-265, is repealed and the  
3 following is substituted in lieu thereof (*Effective January 1, 2005*):

4 (a) Terms used in this chapter shall be construed as follows, unless  
5 another construction is clearly apparent from the language or context  
6 in which the term is used or unless the construction is inconsistent  
7 with the manifest intention of the General Assembly:

8 (1) "Activity vehicle" means a student transportation vehicle that is  
9 used to transport students in connection with school sponsored events  
10 and activities, but is not used to transport students to and from school;

11 [(1)] (2) "Agricultural tractor" means a tractor or other form of

12 nonmuscular motive power used for transporting, hauling, plowing,  
13 cultivating, planting, harvesting, reaping or other agricultural  
14 purposes on any farm or other private property, or used for the  
15 purpose of transporting, from one farm to another, agricultural  
16 implements and farm products, provided the agricultural tractor is not  
17 used on any highway for transporting a pay load or for some other  
18 commercial purpose;

19 [(2)] (3) "Antique, rare or special interest motor vehicle" means a  
20 motor vehicle twenty-five years old or older which is being preserved  
21 because of historic interest and which is not altered or modified from  
22 the original manufacturer's specifications;

23 [(3)] (4) "Apparent candle power" means an illumination equal to  
24 the normal illumination in foot candles produced by any lamp or  
25 lamps, divided by the square of the distance in feet between the lamp  
26 or lamps and the point at which the measurement is made;

27 [(4)] (5) "Authorized emergency vehicle" means (A) a fire  
28 department vehicle, (B) a police vehicle, or (C) a public service  
29 company or municipal department ambulance or emergency vehicle  
30 designated or authorized for use as an authorized emergency vehicle  
31 by the commissioner;

32 [(5)] (6) "Auxiliary driving lamp" means an additional lighting  
33 device on a motor vehicle used primarily to supplement the general  
34 illumination in front of a motor vehicle provided by the motor  
35 vehicle's head lamps;

36 [(6)] (7) "Bulb" means a light source consisting of a glass bulb  
37 containing a filament or substance capable of being electrically  
38 maintained at incandescence;

39 [(7)] (8) "Camp trailer" includes any trailer designed and used  
40 exclusively for camping or recreational purposes;

41 [(8)] (9) "Camper" means any motor vehicle designed or  
42 permanently altered in such a way as to provide temporary living

43 quarters for travel, camping or recreational purposes;

44 [(9)] (10) "Combination registration" means the type of registration  
45 issued to a motor vehicle used for both private passenger and  
46 commercial purposes if such vehicle does not have a gross vehicle  
47 weight rating in excess of ten thousand pounds;

48 [(10)] (11) "Commercial driver's license" or "CDL" means a license  
49 issued to an individual in accordance with the provisions of sections  
50 14-44a to 14-44m, inclusive, which authorizes such individual to drive  
51 a commercial motor vehicle;

52 (12) "Commercial driver's license information system" or "CDLIS"  
53 means the national database of holders of commercial driver's licenses  
54 established by the Federal Motor Carrier Safety Administration  
55 pursuant to section 12007 of the Commercial Motor Vehicle Safety Act  
56 of 1986;

57 [(11)] (13) "Commercial motor vehicle" means a vehicle designed or  
58 used to transport passengers or property, except a vehicle used within  
59 one hundred fifty miles of a farm in connection with the operation of  
60 such farm, fire fighting apparatus or other authorized emergency  
61 vehicles, or a recreational vehicle in private use, which (A) has a gross  
62 vehicle weight rating of twenty-six thousand and one pounds or more;  
63 (B) is designed to transport sixteen or more passengers, including the  
64 driver, or is designed to transport more than ten passengers, including  
65 the driver, and is used to transport students under the age of twenty-  
66 one years to and from school; or (C) is transporting hazardous  
67 materials and is required to be placarded in accordance with [the Code  
68 of Federal Regulations Title 49, Part] 49 CFR 172, Subpart F, as  
69 amended;

70 [(12)] (14) "Commercial registration" means the type of registration  
71 required for any motor vehicle designed or used to transport  
72 merchandise, freight or persons in connection with any business  
73 enterprise, unless a more specific type of registration is authorized and  
74 issued by the commissioner for such class of vehicle;

75       [(13)] (15) "Commercial trailer" means a trailer used in the conduct  
76 of a business to transport freight, materials or equipment whether or  
77 not permanently affixed to the bed of the trailer;

78       [(14)] (16) "Commissioner" includes the Commissioner of Motor  
79 Vehicles and any assistant to the Commissioner of Motor Vehicles who  
80 is designated and authorized by, and who is acting for, the  
81 Commissioner of Motor Vehicles under a designation; except that the  
82 deputy commissioners of motor vehicles and the Attorney General are  
83 deemed, unless the Commissioner of Motor Vehicles otherwise  
84 provides, to be designated and authorized by, and acting for, the  
85 Commissioner of Motor Vehicles under a designation;

86       [(15)] (17) "Controlled substance" has the same meaning as in section  
87 21a-240, as amended, and the federal laws and regulations  
88 incorporated in chapter 420b;

89       [(16)] (18) "Conviction" means an unvacated adjudication of guilt, or  
90 a determination that a person has violated or failed to comply with the  
91 law in a court of original jurisdiction or an authorized administrative  
92 tribunal, an unvacated forfeiture of bail or collateral deposited to  
93 secure the person's appearance in court, the payment of a fine or court  
94 cost, or violation of a condition of release without bail, regardless of  
95 whether or not the penalty is rebated, suspended or probated;

96       [(17)] (19) "Dealer" includes any person actively engaged in buying,  
97 selling or exchanging motor vehicles or trailers who has an established  
98 place of business in this state and who may, incidental to such  
99 business, repair motor vehicles or trailers, or cause them to be repaired  
100 by persons in his or her employ;

101       [(18)] (20) "Disqualification" means a withdrawal of the privilege to  
102 drive a commercial motor vehicle, which occurs as a result of (A) any  
103 suspension, [or] revocation, or cancellation by the commissioner of the  
104 privilege to operate a motor vehicle; (B) a determination by the Federal  
105 Highway Administration, under the rules of practice for motor carrier  
106 safety contained in [the Code of Federal Regulations Title 49, Part] 49

107 CFR 386, as amended, that a person is no longer qualified to operate a  
108 commercial motor vehicle under the standards of [the Code of Federal  
109 Regulations Title 49, Part] 49 CFR 391, as amended; or (C) the loss of  
110 qualification which [automatically] follows any of the convictions or  
111 administrative actions specified in section 14-44k, as amended by this  
112 act;

113 [(19)] (21) "Drive" means to drive, operate or be in physical control  
114 of a motor vehicle, including a motor vehicle being towed by another;

115 [(20)] (22) "Driver" means any person who drives, operates or is in  
116 physical control of a commercial motor vehicle, or who is required to  
117 hold a commercial driver's license;

118 [(21)] (23) "Driver's license" or "operator's license" means a valid  
119 Connecticut motor vehicle operator's license or a license issued by  
120 another state or foreign jurisdiction authorizing the holder thereof to  
121 operate a motor vehicle on the highways;

122 [(22)] (24) "Employee" means any operator of a commercial motor  
123 vehicle, including full-time, regularly employed drivers, casual,  
124 intermittent or occasional drivers, drivers under contract and  
125 independent, owner-operator contractors, who, while in the course of  
126 operating a commercial motor vehicle, are either directly employed by,  
127 or are under contract to, an employer;

128 [(23)] (25) "Employer" means any person, including the United  
129 States, a state or any political subdivision thereof, who owns or leases  
130 a commercial motor vehicle, or assigns a person to drive a commercial  
131 motor vehicle;

132 [(24)] (26) "Farm implement" means a vehicle designed and adapted  
133 exclusively for agricultural, horticultural or livestock-raising  
134 operations and which is not operated on a highway for transporting a  
135 pay load or for any other commercial purpose;

136 [(25)] (27) "Felony" means any offense as defined in section 53a-25  
137 and includes any offense designated as a felony under federal law;

138        (28) "Fatality" means the death of a person as a result of a motor  
139        vehicle accident;

140        [(26)] (29) "Foreign jurisdiction" means any jurisdiction other than a  
141        state of the United States;

142        [(27)] (30) "Fuels" means (A) all products commonly or  
143        commercially known or sold as gasoline, including casinghead and  
144        absorption or natural gasoline, regardless of their classification or uses,  
145        (B) any liquid prepared, advertised, offered for sale or sold for use, or  
146        commonly and commercially used, as a fuel in internal combustion  
147        engines, which, when subjected to distillation in accordance with the  
148        standard method of test for distillation of gasoline, naphtha, kerosene  
149        and similar petroleum products by "American Society for Testing  
150        Materials Method D-86", shows not less than ten per cent distilled  
151        (recovered) below 347 Fahrenheit (175 Centigrade) and not less than  
152        ninety-five per cent distilled (recovered) below 464 Fahrenheit (240  
153        Centigrade); provided the term "fuels" shall not include commercial  
154        solvents or naphthas which distill, by "American Society for Testing  
155        Materials Method D-86", not more than nine per cent at 176 Fahrenheit  
156        and which have a distillation range of 150 Fahrenheit, or less, or  
157        liquefied gases which would not exist as liquids at a temperature of 60  
158        Fahrenheit and a pressure of 14.7 pounds per square inch absolute,  
159        and (C) any liquid commonly referred to as "gasohol" which is  
160        prepared, advertised, offered for sale or sold for use, or commonly and  
161        commercially used, as a fuel in internal combustion engines, consisting  
162        of a blend of gasoline and a minimum of ten per cent by volume of  
163        ethyl or methyl alcohol;

164        [(28)] (31) "Garage" includes every place of business where motor  
165        vehicles are, for compensation, received for housing, storage or repair;

166        [(29)] (32) "Gross vehicle weight rating" or "GVWR" means the value  
167        specified by the manufacturer as the maximum loaded weight of a  
168        single or a combination (articulated) vehicle, or its registered gross  
169        weight, whichever is greater. The GVWR of a combination (articulated)  
170        vehicle commonly referred to as the "gross combination weight rating"

171 or GCWR is the GVWR of the power unit plus the GVWR of the towed  
172 unit or units;

173 [(30)] (33) "Gross weight" means the light weight of a vehicle plus  
174 the weight of any load on the vehicle, provided, in the case of a tractor-  
175 trailer unit, "gross weight" means the light weight of the tractor plus  
176 the light weight of the trailer or semitrailer plus the weight of the load  
177 on the vehicle;

178 [(31)] (34) "Hazardous materials" has the same meaning as in Section  
179 103 of the Hazardous Materials Transportation Act, [Section 1801 et  
180 seq., Title 49, United States Code] 49 USC 1801 et seq.;

181 [(32)] (35) "Head lamp" means a lighting device affixed to the front  
182 of a motor vehicle projecting a high intensity beam which lights the  
183 road in front of the vehicle so that it can proceed safely during the  
184 hours of darkness;

185 [(33)] (36) "High-mileage vehicle" means a motor vehicle having the  
186 following characteristics: (A) Not less than three wheels in contact with  
187 the ground; (B) a completely enclosed seat on which the driver sits; (C)  
188 a single or two cylinder, gasoline or diesel engine or an electric-  
189 powered engine; and (D) efficient fuel consumption;

190 [(34)] (37) "Highway" includes any state or other public highway,  
191 road, street, avenue, alley, driveway, parkway or place, under the  
192 control of the state or any political subdivision of the state, dedicated,  
193 appropriated or opened to public travel or other use;

194 (38) "Imminent hazard" means the existence of a condition that  
195 presents a substantial likelihood that death, serious illness, severe  
196 personal injury or a substantial endangerment to health, property, or  
197 the environment may occur before the reasonably foreseeable  
198 completion date of a formal proceeding begun to lessen the risk of that  
199 death, illness, injury or endangerment;

200 [(35)] (39) "Intersecting highway" includes any public highway  
201 which joins another at an angle whether or not it crosses the other;

202        [(36)] (40) "Light weight" means the weight of an unloaded motor  
203 vehicle as ordinarily equipped and ready for use, exclusive of the  
204 weight of the operator of the motor vehicle;

205        [(37)] (41) "Limited access highway" means a state highway so  
206 designated under the provisions of section 13b-27;

207        [(38)] (42) "Local authorities" includes the board of aldermen,  
208 common council, chief of police, warden and burgesses, board of  
209 selectmen or other officials having authority for the enactment or  
210 enforcement of traffic regulations within their respective towns, cities  
211 or boroughs;

212        [(39)] (43) "Maintenance vehicle" means any vehicle in use by the  
213 state or by any town, city, borough or district, any state bridge or  
214 parkway authority or any public service company, as defined in  
215 section 16-1, as amended, in the maintenance of public highways or  
216 bridges and facilities located within the limits of public highways or  
217 bridges;

218        [(40)] (44) "Manufacturer" means (A) a person, whether a resident or  
219 nonresident, engaged in the business of constructing or assembling  
220 new motor vehicles of a type required to be registered by the  
221 commissioner, for operation upon any highway, which are offered for  
222 sale in this state, or (B) a person who distributes new motor vehicles to  
223 new car dealers licensed in this state;

224        [(41)] (45) "Median divider" means an intervening space or physical  
225 barrier or clearly indicated dividing section separating traffic lanes  
226 provided for vehicles proceeding in opposite directions;

227        [(42)] (46) "Minibike" or "minicycle" means any two or three wheel  
228 motorcycle having one or more of the following characteristics: (A)  
229 Ten inches (254 mm) or less nominal wheel rim diameter; (B) forty  
230 inches or less wheel base; (C) twenty-five inches or less seat height  
231 measured at the lowest point on the top of the seat cushion without  
232 rider; (D) a propelling engine having a piston displacement of 50 c.c. or



233 less;

234 [(43)] (47) "Modified antique motor vehicle" means a motor vehicle  
235 twenty-five years old or older which has been modified for safe road  
236 use, including but not limited to, modifications to the drive train,  
237 suspension, braking system and safety or comfort apparatus;

238 [(44)] (48) "Motor bus" includes any motor vehicle, except a taxicab,  
239 as defined in section 13b-95, as amended, operated in whole or in part  
240 on any street or highway in a manner affording a means of  
241 transportation by indiscriminately receiving or discharging  
242 passengers, or running on a regular route or over any portion of a  
243 regular route or between fixed termini;

244 [(45)] (49) "Motor home" means a vehicular unit designed to provide  
245 living quarters and necessary amenities which are built into an integral  
246 part of, or permanently attached to, a truck or van chassis;

247 [(46)] (50) "Motorcycle" means a motor vehicle, with or without a  
248 side car, having not more than three wheels in contact with the ground  
249 and a saddle or seat on which the rider sits or a platform on which the  
250 rider stands and includes bicycles having a motor attached, except  
251 bicycles propelled by means of a helper motor as defined in section  
252 14-286, as amended, but does not include a vehicle having or designed  
253 to have a completely enclosed driver's seat and a motor which is not in  
254 the enclosed area;

255 [(47)] (51) "Motor vehicle" means any vehicle propelled or drawn by  
256 any nonmuscular power, except aircraft, motor boats, road rollers,  
257 baggage trucks used about railroad stations or other mass transit  
258 facilities, electric battery-operated wheel chairs when operated by  
259 physically handicapped persons at speeds not exceeding fifteen miles  
260 per hour, golf carts operated on highways solely for the purpose of  
261 crossing from one part of the golf course to another, golf cart type  
262 vehicles operated on roads or highways on the grounds of state  
263 institutions by state employees, agricultural tractors, farm implements,  
264 such vehicles as run only on rails or tracks, self-propelled snow plows,

265 snow blowers and lawn mowers, when used for the purposes for  
266 which they were designed and operated at speeds not exceeding four  
267 miles per hour, whether or not the operator rides on or walks behind  
268 such equipment, bicycles with helper motors as defined in section 14-  
269 286, as amended, special mobile equipment as defined in subsection (i)  
270 of section 14-165 and any other vehicle not suitable for operation on a  
271 highway;

272 (52) "National Driver Registry" or "NDR" means the licensing  
273 information system and database operated by the National Highway  
274 Traffic Safety Administration and established pursuant to the National  
275 Driver Registry Act of 1982, as amended;

276 [(48)] (53) "New motor vehicle" means a motor vehicle, the equitable  
277 or legal title to which has never been transferred by a manufacturer,  
278 distributor or dealer to an ultimate consumer;

279 [(49)] (54) "Nonresident" means any person whose legal residence is  
280 in a state other than Connecticut or in a foreign country;

281 [(50)] (55) "Nonresident commercial driver's license" or "nonresident  
282 CDL" means a commercial driver's license issued by a state to an  
283 individual who resides in a foreign jurisdiction;

284 [(51)] (56) "Nonskid device" means any device applied to the tires,  
285 wheels, axles or frame of a motor vehicle for the purpose of increasing  
286 the traction of the motor vehicle;

287 [(52)] (57) "Number plate" means any sign or marker furnished by  
288 the commissioner on which is displayed the registration number  
289 assigned to a motor vehicle by the commissioner;

290 [(53)] (58) "Officer" includes any constable, state marshal, inspector  
291 of motor vehicles, state policeman or other official authorized to make  
292 arrests or to serve process, provided the officer is in uniform or  
293 displays the officer's badge of office in a conspicuous place when  
294 making an arrest;

295       [(54)] (59) "Operator" means any person who operates a motor  
296 vehicle or who steers or directs the course of a motor vehicle being  
297 towed by another motor vehicle and includes a driver as defined in  
298 subdivision [(20)] (22) of this section;

299       [(55)] (60) "Out-of-service order" means a temporary prohibition  
300 against driving a commercial motor vehicle or any other vehicle  
301 subject to the federal motor carrier safety regulations enforced by the  
302 commissioner pursuant to the commissioner's authority under section  
303 14-8;

304       [(56)] (61) "Owner" means any person holding title to a motor  
305 vehicle, or having the legal right to register the same, including  
306 purchasers under conditional bills of sale;

307       [(57)] (62) "Parked vehicle" means a motor vehicle in a stationary  
308 position within the limits of a public highway;

309       [(58)] (63) "Passenger and commercial motor vehicle" means a motor  
310 vehicle used for private passenger and commercial purposes which is  
311 eligible for combination registration;

312       [(59)] (64) "Passenger motor vehicle" means a motor vehicle used for  
313 the private transportation of persons and their personal belongings,  
314 designed to carry occupants in comfort and safety, with a capacity of  
315 carrying not more than ten passengers including the operator thereof;

316       [(60)] (65) "Passenger registration" means the type of registration  
317 issued to a passenger motor vehicle unless a more specific type of  
318 registration is authorized and issued by the commissioner for such  
319 class of vehicle;

320       [(61)] (66) "Person" includes any individual, corporation, limited  
321 liability company, association, copartnership, company, firm, business  
322 trust or other aggregation of individuals but does not include the state  
323 or any political subdivision thereof, unless the context clearly states or  
324 requires;

325     [(62)] (67) "Pneumatic tires" means tires inflated or inflatable with  
326     air;

327     [(63)] (68) "Pole trailer" means a trailer which is (A) intended for  
328     transporting long or irregularly shaped loads such as poles, logs, pipes  
329     or structural members, which loads are capable of sustaining  
330     themselves as beams between supporting connections, and (B)  
331     designed to be drawn by a motor vehicle and attached or secured  
332     directly to the motor vehicle by any means including a reach, pole or  
333     boom;

334     [(64)] (69) "Recreational vehicle" includes the camper, camp trailer  
335     and motor home classes of vehicles;

336     [(65)] (70) "Registration" includes the certificate of motor vehicle  
337     registration and the number plate or plates used in connection with  
338     such registration;

339     [(66)] (71) "Registration number" means the identifying number or  
340     letters, or both, assigned by the commissioner to a motor vehicle;

341     [(67)] (72) "Resident", for the purpose of registering motor vehicles,  
342     includes any person having a place of residence in this state, occupied  
343     by such person for more than six months in a year, or any person, firm  
344     or corporation owning or leasing a motor vehicle used or operated in  
345     intrastate business in this state, or a firm or corporation having its  
346     principal office or place of business in this state;

347     [(68)] (73) "School bus" means any school bus, as defined in section  
348     14-275, including a commercial motor vehicle used to transport  
349     preschool, elementary school or secondary school students from home  
350     to school, from school to home, or to and from school-sponsored  
351     events, but does not include a bus used as a common carrier;

352     [(69)] (74) "Second" violation or "subsequent" violation means an  
353     offense committed not more than three years after the date of an arrest  
354     which resulted in a previous conviction for a violation of the same  
355     statutory provision, except in the case of a violation of section 14-215,

356 as amended, or 14-224 or subsection (a) of section 14-227a, "second"  
357 violation or "subsequent" violation means an offense committed not  
358 more than ten years after the date of an arrest which resulted in a  
359 previous conviction for a violation of the same statutory provision;

360 [(70)] (75) "Semitrailer" means any trailer type vehicle designed and  
361 used in conjunction with a motor vehicle so that some part of its own  
362 weight and load rests on or is carried by another vehicle;

363 [(71)] (76) "Serious traffic violation" means a conviction [, when  
364 operating a commercial motor vehicle,] of any [violation (A)] of the  
365 following offenses: (A) Speeding in excess of fifteen miles per hour or  
366 more over the posted speed limit, in violation of section 14-218a or 14-  
367 219; [, if the speed was fifteen miles per hour or more over the posted  
368 speed limit,] (B) reckless driving in violation of section 14-222; [,] (C)  
369 following too closely in violation of section 14-240 or 14-240a; [,] (D)  
370 improper or erratic lane changes, in violation of section 14-236; [, or]  
371 (E) driving a commercial motor vehicle without a valid commercial  
372 driver's license in violation of section 14-36a, as amended by this act, or  
373 section 14-44a, as amended by this act; (F) failure to carry a commercial  
374 driver's license in violation of section 14-44a, as amended by this act;  
375 (G) failure to have the proper class of license or endorsement, or  
376 violation of a license restriction in violation of section 14-44a, as  
377 amended by this act; or (H) arising in connection with an accident  
378 related to the operation of a commercial motor vehicle and which  
379 resulted in [the death of any person] a fatality;

380 [(72)] (77) "Service bus" includes any vehicle except a vanpool  
381 vehicle or a school bus designed and regularly used to carry ten or  
382 more passengers when used in private service for the transportation of  
383 persons without charge to the individual;

384 [(73)] (78) "Service car" means any motor vehicle used by a  
385 manufacturer, dealer or repairer for emergency motor vehicle repairs  
386 on the highways of this state, for towing or for the transportation of  
387 necessary persons, tools and materials to and from the scene of such  
388 emergency repairs or towing;

389       [(74)] (79) "Shoulder" means that portion of a highway immediately  
390 adjacent and contiguous to the travel lanes or main traveled portion of  
391 the roadway;

392       [(75)] (80) "Solid tires" means tires of rubber, or other elastic material  
393 approved by the Commissioner of Transportation, which do not  
394 depend on confined air for the support of the load;

395       [(76)] (81) "Spot lamp" or "spot light" means a lighting device  
396 projecting a high intensity beam, the direction of which can be readily  
397 controlled for special or emergency lighting as distinguished from  
398 ordinary road illumination;

399       [(77)] (82) "State" means any state of the United States and the  
400 District of Columbia unless the context indicates a more specific  
401 reference to the state of Connecticut;

402       [(78)] (83) "Stop" means complete cessation of movement;

403       [(79)] (84) "Tail lamp" means a lighting device affixed to the rear of a  
404 motor vehicle showing a red light to the rear and indicating the  
405 presence of the motor vehicle when viewed from behind;

406       [(80)] (85) "Tank vehicle" means any commercial motor vehicle  
407 designed to transport any liquid or gaseous material within a tank that  
408 is either permanently or temporarily attached to the vehicle or its  
409 chassis which shall include, but not be limited to, a cargo tank and  
410 portable tank, as defined in [the Code of Federal Regulations Title 49,  
411 Section] 49 CFR 383.5, as amended, provided it shall not include a  
412 portable tank with a rated capacity not to exceed one thousand gallons;

413       [(81)] (86) "Tractor" or "truck tractor" means a motor vehicle  
414 designed and used for drawing a semitrailer;

415       [(82)] (87) "Tractor-trailer unit" means a combination of a tractor and  
416 a trailer or a combination of a tractor and a semitrailer;

417       [(83)] (88) "Trailer" means any rubber-tired vehicle without motive

418 power drawn or propelled by a motor vehicle;

419 [(84)] (89) "Truck" means a motor vehicle designed, used or  
420 maintained primarily for the transportation of property;

421 [(85)] (90) "Ultimate consumer" means, with respect to a motor  
422 vehicle, the first person, other than a dealer, who in good faith  
423 purchases the motor vehicle for purposes other than resale;

424 [(86)] (91) "United States" means the fifty states and the District of  
425 Columbia;

426 [(87)] (92) "Used motor vehicle" includes any motor vehicle which  
427 has been previously separately registered by an ultimate consumer;

428 [(88)] (93) "Utility trailer" means a trailer designed and used to  
429 transport personal property, materials or equipment, whether or not  
430 permanently affixed to the bed of the trailer, with a manufacturer's  
431 GVWR of ten thousand pounds or less;

432 [(89)] (94) "Vanpool vehicle" includes all motor vehicles, the primary  
433 purpose of which is the daily transportation, on a prearranged  
434 nonprofit basis, of individuals between home and work, and which:  
435 (A) If owned by or leased to a person, or to an employee of the person,  
436 or to an employee of a local, state or federal government unit or agency  
437 located in Connecticut, are manufactured and equipped in such  
438 manner as to provide a seating capacity of at least seven but not more  
439 than fifteen individuals, or (B) if owned by or leased to a regional ride-  
440 sharing organization in the state recognized by the Commissioner of  
441 Transportation, are manufactured and equipped in such manner as to  
442 provide a seating capacity of at least six but not more than nineteen  
443 individuals;

444 [(90)] (95) "Vehicle" includes any device suitable for the conveyance,  
445 drawing or other transportation of persons or property, whether  
446 operated on wheels, runners, a cushion of air or by any other means.  
447 The term does not include devices propelled or drawn by human  
448 power or devices used exclusively on tracks;

449       [(91)] (96) "Vehicle identification number" or "VIN" means a series of  
450 Arabic numbers and Roman letters that is assigned to each new motor  
451 vehicle that is manufactured within or imported into the United States,  
452 in accordance with the provisions of [the Code of Federal Regulations,  
453 Title 49, Part] 49 CFR 565, unless another sequence of numbers and  
454 letters has been assigned to a motor vehicle by the commissioner, in  
455 accordance with the provisions of section 14-149, as amended;

456       [(92)] (97) "Wrecker" means a vehicle which is registered, designed,  
457 equipped and used for the purposes of towing or transporting  
458 wrecked or disabled motor vehicles for compensation or for related  
459 purposes by a person, firm or corporation licensed in accordance with  
460 the provisions of subpart (D) of part III of this chapter.

461       Sec. 2. Section 14-36 of the general statutes, as amended by section 1  
462 of public act 03-171, is repealed and the following is substituted in lieu  
463 thereof (*Effective January 1, 2005*):

464       (a) Except as otherwise provided by this section and section 14-40a,  
465 as amended, no person shall operate a motor vehicle on any public  
466 highway of this state or private road on which a speed limit has been  
467 established in accordance with subsection (a) of section 14-218a until  
468 such person has obtained a motor vehicle operator's license.

469       (b) (1) A person eighteen years of age or older may operate a motor  
470 vehicle without a motor vehicle operator's license if (A) such person  
471 has not had a Connecticut motor vehicle operator's license suspended  
472 or revoked, and (B) such person is under the instruction of, and  
473 accompanied by, a person who holds an instructor's license issued  
474 under the provisions of section 14-73 or a person twenty years of age  
475 or older who has been licensed to operate, for at least four years  
476 preceding the instruction, a motor vehicle of the same class as the  
477 motor vehicle being operated and who has not had his or her motor  
478 vehicle operator's license suspended by the commissioner during the  
479 four-year period preceding the instruction. (2) A person holding a  
480 valid out-of-state motor vehicle operator's license may operate a motor  
481 vehicle for a period of thirty days following such person's



482 establishment of residence in Connecticut, if the motor vehicle is of the  
483 same class as that for which his or her out-of-state motor vehicle  
484 operator's license was issued. (3) No person may cause or permit the  
485 operation of a motor vehicle by a person under sixteen years of age.

486 (c) (1) On or after January 1, 1997, a person who is sixteen or  
487 seventeen years of age and who has not had a motor vehicle operator's  
488 license or right to operate a motor vehicle in this state suspended or  
489 revoked may apply to the Commissioner of Motor Vehicles for a  
490 learner's permit. The commissioner may issue a learner's permit to an  
491 applicant after the applicant has passed a vision screening and test as  
492 to knowledge of the laws concerning motor vehicles and the rules of  
493 the road, has paid the fee required by subsection (v) of section 14-49, as  
494 amended, and has filed a certificate, in such form as the commissioner  
495 prescribes, requesting or consenting to the issuance of the learner's  
496 permit and the motor vehicle operator's license, signed by (A) one or  
497 both parents or foster parents of the applicant, as the commissioner  
498 requires, (B) the legal guardian of the applicant, (C) the applicant's  
499 spouse, if the spouse is eighteen years of age or older, or (D) if the  
500 applicant has no qualified spouse and such applicant's parent or foster  
501 parent or legal guardian is deceased, incapable, domiciled without the  
502 state or otherwise unavailable or unable to sign or file the certificate,  
503 the applicant's stepparent, or uncle or aunt by blood or marriage,  
504 provided such person is eighteen years of age or older. The  
505 commissioner may, for the more efficient administration of the  
506 commissioner's duties, appoint any drivers' school licensed in  
507 accordance with the provisions of section 14-69, as amended, or any  
508 secondary school providing instruction in motor vehicle operation and  
509 highway safety in accordance with section 14-36e to issue a learner's  
510 permit, subject to such standards and requirements as the  
511 commissioner may prescribe in regulations adopted in accordance  
512 with chapter 54. Each learner's permit shall expire on the date the  
513 holder of the permit is issued a motor vehicle operator's license or on  
514 the date the holder attains the age of eighteen years, whichever is  
515 earlier. (2) The learner's permit shall entitle the holder, while such  
516 holder has the permit in his or her immediate possession, to operate a

517 motor vehicle on the public highways, provided such holder is under  
518 the instruction of, and accompanied by, a person who holds an  
519 instructor's license issued under the provisions of section 14-73 or a  
520 person twenty years of age or older who has been licensed to operate,  
521 for at least four years preceding the instruction, a motor vehicle of the  
522 same class as the motor vehicle being operated and who has not had  
523 his or her motor vehicle operator's license suspended by the  
524 commissioner during the four-year period preceding the instruction.  
525 The holder of a learner's permit who (A) is an active member of a  
526 certified ambulance service, as defined in section 19a-175, (B) has  
527 commenced an emergency vehicle operator's course that conforms to  
528 the national standard curriculum developed by the United States  
529 Department of Transportation, and (C) has had state and national  
530 criminal history records checks conducted by the certified ambulance  
531 service or by the municipality in which such ambulance service is  
532 provided, shall be exempt from the provisions of this subdivision only  
533 when such holder is en route to or from the location of the ambulance  
534 for purposes of responding to an emergency call. (3) The commissioner  
535 may revoke any learner's permit used in violation of the limitations  
536 imposed by subdivision (2) of this subsection.

537 (d) (1) No motor vehicle operator's license shall be issued to any  
538 applicant who is sixteen or seventeen years of age unless the applicant  
539 has held a learner's permit and has satisfied the requirements specified  
540 in this subsection. The applicant shall (A) present to the commissioner  
541 a certificate of the successful completion in a public secondary school,  
542 a state vocational school or a private secondary school of a full course  
543 of study in motor vehicle operation prepared as provided in section 14-  
544 36e or of training of similar nature provided by a licensed drivers'  
545 school approved by the commissioner, including, in each case,  
546 successful completion of not less than eight clock hours of behind-the-  
547 wheel, on-the-road instruction; (B) present to the commissioner a  
548 certificate of the successful completion of a course of not less than eight  
549 hours relative to safe driving practices, including a minimum of four  
550 hours on the nature and the medical, biological and physiological  
551 effects of alcohol and drugs and their impact on the operator of a

552 motor vehicle, the dangers associated with the operation of a motor  
553 vehicle after the consumption of alcohol or drugs by the operator, the  
554 problems of alcohol and drug abuse and the penalties for alcohol and  
555 drug-related motor vehicle violations; and (C) pass an examination  
556 which shall include a comprehensive test as to knowledge of the laws  
557 concerning motor vehicles and the rules of the road and an on-the-road  
558 skills test as prescribed by the commissioner. At the time of application  
559 and examination for a motor vehicle operator's license, an applicant  
560 sixteen or seventeen years of age shall have held a learner's permit for  
561 not less than one hundred eighty days, except that an applicant who  
562 presents a certificate under subparagraph (A) of this subdivision shall  
563 have held a learner's permit for not less than one hundred twenty days  
564 and an applicant who is undergoing training and instruction by the  
565 handicapped driver training unit in accordance with the provisions of  
566 section 14-11b shall have held such permit for the period of time  
567 required by said unit. The Commissioner of Motor Vehicles shall  
568 approve the content of the safe driving instruction at drivers' schools,  
569 high schools and other secondary schools. Such eight hours of  
570 instruction shall be included as part of or in addition to any existing  
571 instruction programs. Any fee charged for the course required under  
572 subparagraph (B) of this subdivision shall not exceed an amount  
573 prescribed by the commissioner by regulation, adopted in accordance  
574 with chapter 54. Any applicant sixteen or seventeen years of age who,  
575 while a resident of another state, completed the course required in  
576 subparagraph (A) of this subdivision, but did not complete the safe  
577 driving course required in subparagraph (B) of this subdivision, shall  
578 complete the safe driving course, and any fee charged for the course  
579 shall not exceed an amount prescribed by the commissioner by  
580 regulation, adopted in accordance with chapter 54. The commissioner  
581 may waive any requirement in this subdivision, except for that in  
582 subparagraph (C) of this subdivision, in the case of an applicant  
583 sixteen or seventeen years of age who holds a valid motor vehicle  
584 operator's license issued by any other state, provided the  
585 commissioner is satisfied that the applicant has received training and  
586 instruction of a similar nature. (2) The commissioner may accept as

587 evidence of sufficient training under subparagraph (A) of subdivision  
588 (1) of this subsection home training as evidenced by a written  
589 statement signed by the spouse of a married minor applicant, or by a  
590 parent, grandparent, foster parent or the legal guardian of an applicant  
591 which states that the applicant has obtained a learner's permit and has  
592 successfully completed a driving course taught by the person signing  
593 the statement, that the signer has had an operator's license for at least  
594 four years preceding the date of the statement, and that the signer has  
595 not had such license suspended by the commissioner for at least four  
596 years preceding the date of the statement or, if the applicant has no  
597 spouse, parent, grandparent, foster parent or guardian so qualified and  
598 available to give the instruction, a statement signed by the applicant's  
599 stepparent, brother, sister, uncle or aunt, by blood or marriage,  
600 provided the person signing the statement is qualified. (3) If the  
601 commissioner requires a written test of any applicant under this  
602 section, the test shall be given in English or Spanish at the option of the  
603 applicant, provided the commissioner shall require that the applicant  
604 shall have sufficient understanding of English for the interpretation of  
605 traffic control signs. (4) The Commissioner of Motor Vehicles may  
606 adopt regulations, in accordance with the provisions of chapter 54, to  
607 implement the purposes of this subsection concerning the content of  
608 safe driving instruction at drivers' schools, high schools and other  
609 secondary schools.

610 (e) (1) No motor vehicle operator's license shall be issued until (A)  
611 the applicant signs and files with the commissioner an application  
612 under oath, except that renewals from the year immediately preceding  
613 need not be under oath, stating such information as the commissioner  
614 requires, and (B) the commissioner is satisfied that the applicant is  
615 sixteen years of age or older and is a suitable person to receive the  
616 license. (2) An applicant for a new motor vehicle operator's license  
617 shall, in the discretion of the commissioner, file, with the application, a  
618 copy of such applicant's birth certificate or other prima facie evidence  
619 of date of birth and evidence of identity. (3) Before granting a license to  
620 any applicant who has not previously held a Connecticut motor  
621 vehicle operator's license, or who has not operated a motor vehicle

622 during the preceding two years, the commissioner shall require the  
623 applicant to demonstrate personally to the commissioner, a deputy or  
624 a motor vehicle inspector or an agent of the commissioner, in such  
625 manner as the commissioner directs, that the applicant is a proper  
626 person to operate motor vehicles of the class for which such applicant  
627 has applied, has sufficient knowledge of the mechanism of the motor  
628 vehicles to ensure their safe operation by him or her and has  
629 satisfactory knowledge of the laws concerning motor vehicles and the  
630 rules of the road. If any such applicant has held a license from a state,  
631 territory or possession of the United States where a similar  
632 examination is required, or if any such applicant is a person honorably  
633 separated from the United States armed forces who applies within two  
634 years following the separation and who, prior to the separation, held a  
635 military operator's license for motor vehicles of the same class as that  
636 for which such applicant has applied, the commissioner may waive  
637 part or all of the examination. When the commissioner is satisfied as to  
638 the ability and competency of any applicant, the commissioner may  
639 issue to such applicant a license, either unlimited or containing such  
640 limitations as the commissioner deems advisable, and specifying the  
641 class of motor vehicles which the licensee is eligible to operate. (4) If  
642 any applicant or operator license holder has any health problem which  
643 might affect such person's ability to operate a motor vehicle safely, the  
644 commissioner may require the applicant or license holder to  
645 demonstrate personally or otherwise establish that, notwithstanding  
646 such problem, such applicant or license holder is a proper person to  
647 operate a motor vehicle, and the commissioner may further require a  
648 certificate of such applicant's condition, signed by a medical authority  
649 designated by the commissioner, which certificate shall in all cases be  
650 treated as confidential by the commissioner. A license, containing such  
651 limitation as the commissioner deems advisable, may be issued or  
652 renewed in any case, but nothing in this section shall be construed to  
653 prevent the commissioner from refusing a license, either limited or  
654 unlimited, to any person or suspending a license of a person whom the  
655 commissioner determines to be incapable of safely operating a motor  
656 vehicle. Consistent with budgetary allotments, each motor vehicle

operator's license issued to or renewed by a deaf or hearing impaired person shall, upon the request of such person, indicate such impairment. Such person shall submit a certificate stating such impairment, in such form as the commissioner may require and signed by a licensed health care practitioner. (5) The issuance of a motor vehicle operator's license to any applicant who is the holder of a license issued by another state shall be subject to the provisions of sections 14-111c and 14-111k, as amended by this act.

(f) No person issued a limited license shall operate (1) a motor vehicle in violation of the limitations imposed by such license, or (2) any motor vehicle other than the motor vehicle for which such person's right to operate is limited.

(g) Before issuing a motor vehicle operator's license in accordance with this section or section 14-44c, as amended by this act, the commissioner shall request information from the National Driver Registry and the Commercial Driver License Information System, in accordance with the provisions of 49 CFR section 383.73. Each driving history record shall contain a notation of the date on which such inquiry was made.

~~[(g)]~~ (h) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined not less than seventy-five dollars nor more than ninety dollars and, for any subsequent offense, shall be fined not less than two hundred fifty dollars nor more than three hundred fifty dollars or be imprisoned not more than thirty days or both.

~~[(h)]~~ (i) The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 3. Section 14-36a of the general statutes, as amended by section 2 of public act 03-171, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2005*):

688       [(a) In addition to the classification for a commercial driver's license  
689 established by section 14-44d, the commissioner shall classify all other  
690 motor vehicle operators' licenses according to the types of vehicles  
691 which licensees are eligible to operate as follows: (1) Class 1, any motor  
692 vehicle, except a commercial motor vehicle; (2) class 2, any motor  
693 vehicle, including a combination of motor vehicle and trailer or trailing  
694 unit used exclusively for camping or any other recreational purpose  
695 regardless of the gross weight of the trailer or trailing unit, except a  
696 commercial motor vehicle or an articulated vehicle or any other  
697 combination of motor vehicle and trailer where the gross weight of the  
698 trailing unit or trailer is more than ten thousand pounds. The  
699 commissioner may adopt regulations in accordance with the  
700 provisions of chapter 54 establishing such additional classifications,  
701 subclassifications and endorsements as he deems necessary. The  
702 commissioner shall not issue a class 1 license to any person who has  
703 not attained the age of eighteen.]

704       (a) A commercial driver's license issued in accordance with section  
705 14-44c, as amended by this act, shall be designated as class A, B or C, in  
706 accordance with the provisions of subsection (b) of section 14-44d, as  
707 amended by this act. All other operators' licenses shall be designated  
708 as class D. A license of any class that also authorizes the operation of a  
709 motorcycle shall contain the designation "M".

710       [(b) A class 1 or 2 operator's license which contains the endorsement  
711 "P" evidences that the holder meets the requirements of section 14-44  
712 to operate a taxicab, motor vehicle in livery service, or service bus that  
713 is not used for school transportation purposes. A class 1 or 2  
714 operator's]

715       (b) A commercial driver's license which contains the endorsement  
716 "S" evidences that the holder meets the requirements of section 14-44,  
717 as amended by this act, to operate a [student transportation vehicle, as  
718 defined in section 14-212. A class 1 or 2 operator's license which  
719 contains the endorsement "M" evidences that the holder meets the  
720 requirements of section 14-40a to operate a motorcycle.] school bus or

721 any vehicle described in subsection (c) of this section. A commercial  
722 driver's license may contain any of the following additional  
723 endorsements:

724 "P"- authorizes the operation of commercial motor vehicles designed  
725 to carry passengers;

726 "H"- authorizes the operation of vehicles transporting hazardous  
727 materials;

728 "N"- authorizes the operation of tank vehicles;

729 "X"- authorizes both hazardous materials and tank vehicles; and

730 "T"- authorizes the operation of vehicles with up to three trailing,  
731 nonpower units.

732 The commissioner may establish one or more restrictions on  
733 commercial driver's licenses of any class, in regulations adopted in  
734 accordance with the provisions of chapter 54.

735 (c) A commercial driver's license or a class D license that contains  
736 any of the following endorsements evidences that the holder meets the  
737 requirements of section 14-44, as amended by this act:

738 "V"- authorizes the transportation of passengers in a student  
739 transportation vehicle, as defined in section 14-212, or any vehicle that  
740 requires an "A" or "F" endorsement;

741 "A"- authorizes the transportation of passengers in an activity  
742 vehicle, as defined in section 14-1, as amended by this act, or any  
743 vehicle that requires an "F" endorsement; and

744 "F"- authorizes the transportation of passengers in a taxicab, motor  
745 vehicle in livery service, service bus or motor bus.

746 The commissioner may establish one or more restrictions on class D  
747 licenses, in accordance with regulations adopted in accordance with  
748 the provisions of chapter 54.



749       [(c)] (d) No person shall operate a motor vehicle in violation of the  
750 classification of the license issued to him.

751       [(d)] (e) Any person who violates any provision of subsection [(c)]  
752 (d) of this section shall, for a first offense, be deemed to have  
753 committed an infraction and be fined not less than thirty-five dollars  
754 nor more than fifty dollars and, for a subsequent offense, shall be fined  
755 not more than one hundred dollars or imprisoned not more than thirty  
756 days or both.

757       Sec. 4. Section 14-44 of the general statutes, as amended by section  
758 37 of public act 03-278, is repealed and the following is substituted in  
759 lieu thereof (*Effective January 1, 2005*):

760       (a) (1) No person shall operate a commercial motor vehicle used for  
761 passenger transportation on any public highway of this state until he  
762 has obtained a commercial driver's license with a passenger  
763 endorsement from the commissioner, except a nonresident who holds  
764 such license with such endorsement issued by another state. (2) No  
765 person shall operate a school bus until he has obtained a commercial  
766 driver's license with [a passenger endorsement and] a school bus  
767 endorsement, except that a person who holds such a license without  
768 such endorsements may operate a school bus without passengers for  
769 the purpose of road testing or moving the vehicle. (3) No person shall  
770 operate a student transportation vehicle, as defined in section 14-212,  
771 activity vehicle, taxicab, motor vehicle in livery service, motor bus or  
772 service bus until he has obtained an operator's license bearing an  
773 endorsement of the appropriate type from the commissioner issued in  
774 accordance with the provisions of this section and section 14-36a, as  
775 amended by this act.

776       (b) No [public passenger transportation permit or] operator's license  
777 bearing an endorsement shall be issued or renewed in accordance with  
778 the provisions of this section or section 14-36a, as amended by this act,  
779 until the commissioner, or his authorized representative, is satisfied  
780 that the applicant is a proper person to receive such [a permit or] an  
781 operator's license bearing an endorsement, holds a valid motor vehicle

782 operator's license, or, if necessary for the class of vehicle operated, a  
783 commercial driver's license and is at least eighteen years of age. Each  
784 applicant for such a permit, an operator's license bearing an  
785 endorsement or the renewal of such a license shall furnish the  
786 commissioner, or his authorized representative, with satisfactory  
787 evidence, which may be required to be under oath, to prove that he has  
788 no criminal record, that he has not been convicted of a violation of  
789 subsection (a) of section 14-227a within five years of the date of  
790 application [, that he has received negative drug test results in two or  
791 more urine tests if any such tests were administered within one year of  
792 such date] and that no reason exists for a refusal to grant or renew  
793 such [a permit or] an operator's license bearing an endorsement. Each  
794 applicant for such [a permit,] an operator's license bearing an  
795 endorsement [, or the renewal of such a license] shall submit with his  
796 application proof satisfactory to the commissioner that he has passed a  
797 physical examination which has been taken within ninety days prior to  
798 his application, and which is in compliance with safety regulations  
799 established from time to time by the United States Department of  
800 Transportation. Each applicant for renewal of such license shall  
801 present evidence that such applicant is in compliance with the medical  
802 qualifications established in 49 CFR 391, as amended. Each applicant  
803 for such [a permit or] an operator's license bearing an endorsement  
804 shall be fingerprinted before the [permit or the] license bearing an  
805 endorsement is issued.

806 (c) The commissioner may issue, withhold, renew, suspend, cancel  
807 or revoke, any [passenger or school] endorsement required to operate  
808 a motor vehicle that transports passengers, as provided in subsection  
809 (c) of section 14-36a, as amended by this act. The commissioner may, in  
810 making his decision, consider the age, accident and criminal record,  
811 moral character and physical condition of any such applicant or  
812 [permittee] endorsement holder and such other matters as the  
813 commissioner may determine. The commissioner may require any  
814 such applicant or [permittee] endorsement holder to furnish the  
815 statements of two or more reputable citizens, which may be required  
816 to be under oath, vouching for the good character or other

817 qualifications of the applicant or [permittee] endorsement holder.

818 (d) Upon the arrest of any person who holds an operator's license  
819 bearing a school endorsement charged with a felony or violation of  
820 section 53a-73a, the arresting officer or department, within forty-eight  
821 hours, shall cause a report of such arrest to be made to the  
822 commissioner. The report shall be made on a form approved by the  
823 commissioner containing such information as the commissioner  
824 prescribes. The commissioner may adopt regulations, in accordance  
825 with chapter 54, to implement the provisions of this subsection.

826 (e) Prior to issuing an operator's license bearing a school  
827 endorsement, the commissioner shall require each applicant to submit  
828 to state and national criminal history records checks. The criminal  
829 history records checks required pursuant to this subsection shall be  
830 conducted in accordance with section 29-17a. If notice of a state  
831 criminal history record is received, the commissioner may refuse to  
832 issue an operator's license bearing such endorsement and, in such case,  
833 shall immediately notify the applicant, in writing, of such refusal.  
834 Subject to the provisions of section 46a-80, if notice of a national  
835 criminal history record is received, the commissioner may withdraw  
836 the operator's license bearing a school endorsement immediately and,  
837 in such case, shall immediately notify the holder of such license and  
838 the holder's employer, in writing, of such withdrawal.

839 (f) Any applicant who is refused an operator's license bearing an  
840 endorsement or the renewal of such a license, or whose operator's  
841 license bearing an endorsement or the renewal of such a license is  
842 withdrawn or revoked on account of a criminal record, shall be  
843 entitled to a hearing if requested in writing within twenty days. The  
844 hearing shall be conducted in accordance with the requirements of  
845 chapter 54 and the applicant may appeal from the final decision  
846 rendered therein in accordance with section 4-183.

847 (g) Violation of any provision of this section shall be an infraction.

848 Sec. 5. Section 14-44a of the general statutes is repealed and the

849 following is substituted in lieu thereof (*Effective January 1, 2005*):

850 (a) No person may drive a commercial motor vehicle on the  
851 highways of this state unless the person holds a commercial driver's  
852 license issued by this state or another state, with applicable  
853 endorsements valid for the vehicle he is driving.

854 (b) The provisions of subsection (a) of this section shall not apply to  
855 the holder of a commercial driver's instruction permit when  
856 accompanied in the vehicle by the holder of a commercial driver's  
857 license.

858 (c) Any person who violates the provisions of subsection (a) of this  
859 section shall operate a motor vehicle in violation of the classification of  
860 the license issued to him, and shall be subject to the penalties provided  
861 in subsection [(d)] (e) of section 14-36a, as amended by this act, and  
862 section 14-44k, as amended by this act.

863 Sec. 6. Section 14-44c of the general statutes is repealed and the  
864 following is substituted in lieu thereof (*Effective January 1, 2005*):

865 (a) The application for a commercial driver's license or commercial  
866 driver's instruction permit, shall include the following:

867 (1) The full name and current mailing and residence address of the  
868 person;

869 (2) A physical description of the person, including sex, height and  
870 eye color;

871 (3) Date of birth;

872 (4) The applicant's Social Security number;

873 (5) The person's color picture, to be taken by the commissioner or  
874 his representative;

875 (6) The person's statement, under oath, that he meets the  
876 requirements for qualification contained in [the Code of Federal

877 Regulations Title 49, Part] 49 CFR 391, as amended, or does not expect  
878 to operate in interstate or foreign commerce;

879 (7) The person's statement, under oath, that the type of vehicle in  
880 which the person has taken or intends to take the driving skills test is  
881 representative of the type of motor vehicle the person operates or  
882 intends to operate;

883 (8) The person's statement, under oath, that he is not subject to  
884 disqualification, suspension, [or] revocation or cancellation of  
885 operating privileges in any state, and that he does not hold an  
886 operator's license in any other state;

887 (9) The person's identification of all states in which such person has  
888 been licensed to drive any type of motor vehicle during the last ten  
889 years, and the person's statement, under oath that he does not hold an  
890 operator's license in any other state; and

891 [(9)] (10) The person's signature, and certification of the accuracy  
892 and completeness of the application, subject to the penalties of false  
893 statement under section 53a-157b. The application shall be  
894 accompanied by the fee prescribed in section 14-44h, as amended by  
895 this act.

896 (b) No person who has been a resident of this state for thirty days  
897 may drive a commercial motor vehicle under the authority of a  
898 commercial driver's license issued by another jurisdiction.

899 (c) In addition to other penalties provided by law, any person who  
900 knowingly falsifies information or certifications required under  
901 subsection (a) of this section shall have his operator's license or  
902 privilege to operate a motor vehicle in this state suspended for sixty  
903 days.

904 Sec. 7. Subsection (b) of section 14-44d of the general statutes is  
905 repealed and the following is substituted in lieu thereof (*Effective*  
906 *January 1, 2005*):

907 (b) A commercial driver's license shall be [a Class 1 license] issued  
908 with the following [subclassifications, endorsements and restrictions.  
909 Vehicles which require an endorsement may not be driven unless the  
910 proper endorsement appears on the license.] classifications:

911 [(1) Subclassifications.]

912 [(A)] (1) Class A -Any combination of vehicles with a gross vehicle  
913 weight rating (GVWR) of twenty-six thousand one pounds or more,  
914 provided the GVWR of the vehicle being towed is in excess of ten  
915 thousand pounds.

916 [(B)] (2) Class B -Any single vehicle with a GVWR of twenty-six  
917 thousand one pounds or more, and any such vehicle towing a vehicle  
918 not in excess of ten thousand pounds.

919 [(C)] (3) Class C -Any single vehicle with a GVWR of less than  
920 twenty-six thousand one pounds or any such vehicle towing a vehicle  
921 with a GVWR not in excess of ten thousand pounds comprising:

922 [(i)] (A) Vehicles designed to transport sixteen or more passengers,  
923 including the driver, or designed to transport more than ten  
924 passengers, including the driver, and used to transport students under  
925 the age of twenty-one years to and from school; and

926 [(ii)] (B) Vehicles used to transport hazardous materials which are  
927 required to be placarded in accordance with [the Code of Federal  
928 Regulations, Title 49, Part] 49 CFR 172, Subpart F, as amended.

929 Any vehicle that requires an endorsement, in accordance with the  
930 provisions of this section and section 14-36a, as amended by this act,  
931 shall not be driven unless the proper endorsement appears on the  
932 license.

933 [(2) Endorsements and restrictions.

934 "H" -Authorizes the driver to drive a vehicle transporting hazardous  
935 materials;

936 "L" -Restricts the driver to vehicles not equipped with air brakes;  
937 "T" -Authorizes driving double and triple trailers, and vehicles in  
938 drive-away service using the technique of saddlemounting;  
939 "P" -Authorizes driving commercial motor vehicles carrying  
940 passengers;  
941 "S" -Authorizes driving commercial motor vehicles carrying  
942 passengers, including school buses;  
943 "N" -Authorizes driving tank vehicles;  
944 "X" -Represents a combination of hazardous materials and tank  
945 vehicle endorsements;  
946 "Z" -Restricts the driver to school buses.]

947 Sec. 8. Section 14-44e of the general statutes is repealed and the  
948 following is substituted in lieu thereof (*Effective January 1, 2005*):

949 (a) The commissioner shall not issue a commercial driver's license to  
950 any person unless such person is a resident of this state and has passed  
951 a knowledge and skills test for driving a commercial motor vehicle  
952 which complies with the minimum federal standards established by  
953 [the Code of Federal Regulations Title 49, Part] 49 CFR 383, Subparts G  
954 and H, as amended, and has satisfied all other requirements of this  
955 section and sections 14-44b, 14-44c, as amended by this act, and 14-44g,  
956 as amended by this act, in addition to other requirements for an  
957 operator's license imposed by the general statutes and regulations of  
958 the commissioner.

959 (b) The commissioner shall not issue a commercial driver's license to  
960 any person who has a physical or psychobehavioral impairment that  
961 affects such person's ability to operate a commercial motor vehicle  
962 safely. In determining whether to issue a commercial driver's license in  
963 any individual case, the commissioner shall apply the standards set  
964 forth in [the Code of Federal Regulations Title 49, Section] 49 CFR

965 391.41, as amended, unless it is established that the person will operate  
966 such vehicle only in this state, in which case the commissioner shall  
967 apply the standards set forth in this chapter and in regulations  
968 adopted thereunder. Any person who is denied a commercial driver's  
969 license, or whose license is suspended, [or] revoked or cancelled  
970 pursuant to this subsection shall be granted an opportunity for a  
971 hearing in accordance with the provisions of chapter 54.

972 (c) The commissioner may waive the skills test required under  
973 subsection (a) of this section in the case of an applicant for a  
974 commercial driver's license who meets the requirements of [the Code  
975 of Federal Regulations Title 49, Section] 49 CFR 383.77, as amended or,  
976 in the case of an applicant for a school bus endorsement who meets the  
977 requirements of 49 CFR 383.123, as amended.

978 (d) A commercial driver's license shall not be issued to any person  
979 subject to disqualification from driving a commercial motor vehicle or  
980 subject to suspension, [or] revocation or cancellation of operating  
981 privileges in any state. Each applicant for an endorsement to drive a  
982 vehicle transporting hazardous materials shall be subject to the  
983 requirements of 49 USC 5103a, as administered by the United States  
984 Transportation Security Administration. The commissioner may refuse  
985 to issue a hazardous materials endorsement, or may suspend or revoke  
986 any such endorsement, held by any person who is the subject of a  
987 notification received from the Transportation Security Administration,  
988 in accordance with the provisions of 49 CFR 1572.5, as amended.

989 (e) An operator's license shall not be issued to any person who holds  
990 an operator's license issued by any other state, unless such person first  
991 surrenders such license or licenses to the commissioner. The  
992 commissioner shall return every license surrendered hereunder to the  
993 issuing state for cancellation.

994 (f) The commissioner may issue a commercial driver's instruction  
995 permit to any person who holds a valid operator's license. Said permit  
996 may not be issued for a period to exceed six months. Only one renewal  
997 or reissuance may be granted within a two-year period. The holder of a



998 commercial driver's instruction permit, may, unless otherwise  
999 disqualified, drive a commercial motor vehicle only when  
1000 accompanied by the holder of a commercial driver's license with  
1001 appropriate endorsements for the type of vehicle being driven who  
1002 occupies a seat beside the individual for the purpose of giving  
1003 instruction in driving the commercial motor vehicle.

1004 Sec. 9. Section 14-44g of the general statutes is repealed and the  
1005 following is substituted in lieu thereof (*Effective January 1, 2005*):

1006 (a) Before issuing a commercial driver's license, the commissioner  
1007 shall obtain driving record information concerning each applicant  
1008 through the Commercial Driver License Information System, the  
1009 National Driver Registry and from each state in which the applicant  
1010 has been licensed during the preceding [five] ten years.

1011 (b) Within ten business days after issuing a commercial driver's  
1012 license, the commissioner shall notify the Commercial Driver License  
1013 Information System of such fact, and shall provide all information  
1014 necessary for the identification of the license holder.

1015 (c) A commercial driver's license issued pursuant to section 14-44e,  
1016 as amended by this act, shall expire as provided in section 14-44h, as  
1017 amended by this act.

1018 (d) Each person applying for the renewal of a commercial driver's  
1019 license shall complete a renewal application form providing an update  
1020 and, if necessary, corrections to the information required on the  
1021 original application, pursuant to section 14-44c, as amended by this  
1022 act. If an applicant for renewal wishes to retain a hazardous materials  
1023 endorsement, he must pass the written test for such endorsement, and  
1024 must meet the requirements of subsection (d) of section 14-44e, as  
1025 amended by this act.

1026 Sec. 10. Subsection (a) of section 14-44h of the general statutes is  
1027 repealed and the following is substituted in lieu thereof (*Effective*  
1028 *January 1, 2005*):

1029 (a) Each commercial driver's license shall be renewed [every six  
1030 years] quadrennially on the date of the operator's birthday. On and  
1031 after January 1, 2005, each applicant shall, at the time of the first  
1032 renewal of such commercial driver's license, provide the names of all  
1033 states in which the applicant ever has been issued a motor vehicle  
1034 operator's license. If the applicant has held a license in another state at  
1035 any time during the preceding ten years, the commissioner shall  
1036 request the driving history record or records from the state or states in  
1037 which the applicant has been licensed. If the commissioner receives a  
1038 request for a driving history record from another state regarding the  
1039 holder of a commercial driver's license, the commissioner shall  
1040 provide such record within thirty days, as required by the provisions  
1041 of 49 CFR 384.206, as amended.

1042 Sec. 11. Subsection (g) of section 14-44j of the general statutes is  
1043 repealed and the following is substituted in lieu thereof (*Effective*  
1044 *January 1, 2005*):

1045 (g) (1) Any person who violates any provision of this section shall  
1046 be deemed to have committed an infraction, and, for any subsequent  
1047 offense, shall be fined not more than five hundred dollars.

1048 (2) Any employer which knowingly permits or requires a driver to  
1049 operate a commercial motor vehicle in violation of an out-of-service  
1050 order shall be subject to a civil penalty of not less than two thousand  
1051 [five] seven hundred fifty dollars nor more than [ten] eleven thousand  
1052 dollars.

1053 Sec. 12. Section 14-44k of the general statutes, as amended by section  
1054 38 of public act 03-278, is repealed and the following is substituted in  
1055 lieu thereof (*Effective January 1, 2005*):

1056 (a) A driver who is disqualified or subject to an out-of-service order  
1057 shall not drive a commercial motor vehicle. An employer shall not  
1058 knowingly permit or require a driver who is disqualified to drive a  
1059 commercial motor vehicle.

1060 (b) In addition to any other penalties provided by law, and except as  
1061 provided in [subsection (d)] subdivision (2) of this [section] subsection,  
1062 a person is disqualified from operating a commercial motor vehicle (1)  
1063 for one year if convicted of one violation of (A) operating any motor  
1064 vehicle under the influence of intoxicating liquor or drugs or both  
1065 under section 14-227a, as amended, (B) refusing to submit to a test to  
1066 determine his blood alcohol concentration while operating any motor  
1067 vehicle, or has failed such test when given, in violation of section 14-  
1068 227b, as amended, (C) operating a commercial motor vehicle while  
1069 having a blood alcohol concentration of four-hundredths of one per  
1070 cent, or more, (D) evasion of responsibility, involving a commercial  
1071 motor vehicle, under section 14-224, [or (C)] (E) using [a commercial]  
1072 any motor vehicle in the commission of any felony, as defined in  
1073 section 14-1, as amended by this act, [(2) for sixty days if convicted of  
1074 one violation of section 14-249 or 14-250, (3) for one hundred twenty  
1075 days if convicted of a second violation of section 14-249 or 14-250, and  
1076 (4) for one year if convicted of a third or subsequent violation of  
1077 section 14-249 or 14-250 during any three-year period] (F) operating a  
1078 commercial motor vehicle while the operator's commercial driver's  
1079 license is revoked, suspended or cancelled, or the operator is  
1080 disqualified from operating a commercial motor vehicle, or (G) causing  
1081 a fatality through the negligent or reckless operation of a commercial  
1082 motor vehicle, as evidenced by a conviction of a violation of section  
1083 53a-56b, 53a-57, 53a-60d or 14-222a, and (2) for three years if a person  
1084 commits any of the disqualifying offenses identified in subdivision (1)  
1085 of this subsection while driving a vehicle transporting hazardous  
1086 materials, required to be placarded under the Hazardous Materials  
1087 Transportation Act, 49 USC 1801 to 1813, inclusive, as amended.

1088 (c) In addition to any other penalties provided by law, a person is  
1089 disqualified from operating a commercial motor vehicle for [one year if  
1090 the commissioner finds that such person has refused to submit to a test  
1091 to determine his blood alcohol concentration while driving a  
1092 commercial motor vehicle, or has failed such a test when given,  
1093 pursuant to the provisions of section 14-227b. For the purpose of this  
1094 subsection, a person shall be deemed to have failed such a test if the

ratio of alcohol in the blood of such person was four-hundredths of one per cent or more of alcohol, by weight] a period of not less than sixty days if convicted of two serious traffic violations, as defined in section 14-1, as amended by this act, or one hundred twenty days if convicted of three serious traffic violations, committed in any motor vehicle arising from separate incidents occurring within a three-year period.

[(d) If a person commits any of the disqualifying offenses identified in subsections (b) and (c) of this section while driving a vehicle transporting hazardous materials, required to be placarded under the Hazardous Materials Transportation Act, Sections 1801 to 1813, inclusive, Title 49, United States Code, such person shall be disqualified for a period of three years.]

(d) In addition to any other penalties provided by law, a person is disqualified from operating a commercial motor vehicle (1) for a period of sixty days if convicted of failure to stop at a railroad grade crossing, in violation of section 14-249 or 14-250, as amended by this act, while operating a commercial motor vehicle, (2) for one hundred twenty days if convicted of a second violation of section 14-249 or 14-250, as amended by this act, while operating a commercial motor vehicle, and (3) for one year if convicted of a third or subsequent violation of section 14-249 or 14-250, as amended by this act, while operating a commercial motor vehicle, during any three-year period.

(e) Any person who uses [a commercial] any motor vehicle in the commission of a felony involving the manufacture, distribution or dispensing of a controlled substance shall be disqualified for life.

(f) A person is disqualified for life if [convicted of] such person commits two or more [violations of any] of the offenses specified in subsection (b) of this section [, or if he is the subject of two or more findings by the commissioner under subsection (c) of this section,] or any combination of those offenses, arising from two or more separate incidents. A person is disqualified for life if the commissioner takes suspension actions against such person for two or more alcohol test

1128 refusals or test failures, or any combination of such actions, arising  
1129 from two or more separate incidents. Any person disqualified for life,  
1130 except a person disqualified under subsection (e) of this section, who  
1131 has both voluntarily enrolled in and successfully completed an  
1132 appropriate rehabilitation program, as determined by the  
1133 commissioner, may apply for reinstatement of his commercial driver's  
1134 license, provided any such applicant shall not be eligible for  
1135 reinstatement until such time as he has served a minimum  
1136 disqualification period of ten years. Should a reinstated driver be  
1137 subsequently convicted of another disqualifying offense, he shall be  
1138 permanently disqualified for life and shall be ineligible to reapply for a  
1139 reduction of the lifetime disqualification.

1140 (g) (1) Except as provided in subdivision (2) of this subsection, any  
1141 person who violates an out-of-service order shall be disqualified from  
1142 operating a commercial motor vehicle: (A) For a period of not less than  
1143 ninety days nor more than one year for a first violation; (B) for a period  
1144 of not less than one year nor more than five years for a second  
1145 violation during any ten-year period, where such violations arose from  
1146 separate incidents; and (C) for a period of not less than three years nor  
1147 more than five years for a third or subsequent violation during any  
1148 ten-year period, where such violations arose from separate incidents.

1149 (2) Any person who violates an out-of-service order while driving a  
1150 vehicle transporting hazardous materials, required to be placarded  
1151 under the Hazardous Materials Transportation Act, [Sections 1801 to  
1152 1813, inclusive, Title 49, United States Code] 49 USC 1801 to 1813,  
1153 inclusive, or a commercial motor vehicle designed to transport [fifteen]  
1154 sixteen or more passengers, including the driver, shall be disqualified  
1155 from operating a commercial motor vehicle: (A) For a period of not less  
1156 than one hundred eighty days nor more than two years for a first  
1157 violation and (B) for a period of not less than three years nor more than  
1158 five years for a second or subsequent violation during any ten-year  
1159 period, where such violations arose from separate incidents.

1160 (3) In addition to the penalties provided in subdivision (1) or (2) of

1161 this subsection, any person who violates an out-of-service order shall  
1162 be subject to a civil penalty of not less than one thousand one hundred  
1163 dollars nor more than two thousand [five] seven hundred fifty dollars.

1164 [(h) A person is disqualified from driving a commercial motor  
1165 vehicle for a period of not less than sixty days if convicted of two  
1166 serious traffic violations, or one hundred twenty days if convicted of  
1167 three serious traffic violations, committed in a commercial motor  
1168 vehicle arising from separate incidents occurring within a three-year  
1169 period.]

1170 (h) Any holder of a commercial driver's license whose driving is  
1171 determined by the Federal Motor Carrier Safety Administration to  
1172 constitute an imminent hazard, as defined section 14-1, as amended by  
1173 this act, shall be disqualified from operating a commercial motor  
1174 vehicle. The period of disqualification may not exceed thirty days  
1175 unless the commissioner is satisfied that the Federal Motor Carrier  
1176 Safety Administration has complied with the procedures for review  
1177 and hearing set forth in 49 CFR 383.52.

1178 (i) After taking disqualification action, or suspending, [or] revoking  
1179 or cancelling a commercial driver's license, the commissioner shall  
1180 update his records to reflect such action within ten days. After taking  
1181 disqualification action, or suspending, [or] revoking or cancelling the  
1182 operating privileges of a commercial driver who is licensed in another  
1183 state, the commissioner shall notify the licensing state of his action  
1184 within ten days. Such notification shall identify the violation that  
1185 caused such disqualification, suspension, cancellation or revocation.

1186 Sec. 13. Section 14-111h of the general statutes is repealed and the  
1187 following is substituted in lieu thereof (*Effective July 1, 2004*):

1188 As used in sections 14-111h to 14-111q, inclusive, the following  
1189 terms and their derivatives shall have the following meanings:

1190 (1) "Administrative action" means a final determination by a duly  
1191 authorized administrative agency that a person has violated laws

1192 related to the operation of a motor vehicle, or that a person is incapable  
1193 of safely operating a motor vehicle;

1194 (2) "Citation" means any summons, complaint or other official  
1195 document issued to a person by a duly authorized law enforcement  
1196 officer or judicial official for any violation relating to conduct to be  
1197 reported under the driver license agreement;

1198 (3) "Conviction" shall have the meaning stated in [subdivision (16)  
1199 of subsection (a) of] section 14-1, as amended by this act, and shall  
1200 include a judgment by default, or in absentia;

1201 (4) "Driver control record" means the driving history record  
1202 maintained by the jurisdiction of record in accordance with the driver  
1203 license agreement;

1204 (5) "Failure to comply" means failure to appear or to answer a  
1205 citation in the manner required by law or the failure to pay fines,  
1206 penalties or costs related to the disposition of the violation for which  
1207 the citation has been issued;

1208 (6) "Identification card" means a nondriver identity card issued in  
1209 accordance with the provisions of section 1-1h, as amended;

1210 [(6)] (7) "Jurisdiction" means a state, territory or possession of the  
1211 United States, the District of Columbia, a territory or province of  
1212 Canada or any state of the Republic of Mexico or the federal district of  
1213 Mexico;

1214 [(7)] (8) "Jurisdiction of record" means the jurisdiction that has  
1215 issued the last driver's license to a person or if the person has not been  
1216 issued a driver's license, the jurisdiction of the person's most current  
1217 address, as shown on the citation, or record of conviction or on any  
1218 associated report;

1219 [(8)] (9) "License", "driver's license" or "operator's license" means an  
1220 authorization or privilege to operate a motor vehicle in accordance  
1221 with the laws of a jurisdiction that is recognized by all member

1222 jurisdictions;

1223       [(9)] (10) "Licensing authority" means the official organization or  
1224 entity responsible for administering the driver licensing laws of a  
1225 member jurisdiction, and with reference to this state, means the  
1226 Commissioner of Motor Vehicles;

1227       [(10)] (11) "Member jurisdiction" means a jurisdiction that has  
1228 entered into the driver license agreement; and

1229       [(11)] (12) "Withdrawal" means the suspension, revocation,  
1230 cancellation or denial of a license or motor vehicle registration or of the  
1231 privilege to operate a motor vehicle or to obtain a license or  
1232 registration.

1233       Sec. 14. Section 14-111j of the general statutes is repealed and the  
1234 following is substituted in lieu thereof (*Effective July 1, 2004*):

1235       This state and the other party states to the driver license agreement  
1236 find and declare that:

1237       (1) Each driver shall have one driver's license issued by a  
1238 jurisdiction, that is recognized by all member jurisdictions, and shall  
1239 have one driver control record;

1240       (2) All efforts shall be made to strengthen cooperation among  
1241 member jurisdictions so that all drivers are required to answer charges  
1242 of violation of motor vehicle and traffic laws, and to comply with the  
1243 procedures for the disposition of such charges, regardless of the  
1244 jurisdiction where any such violation occurs;

1245       (3) Reciprocal recognition of driver's licenses and of motor vehicle  
1246 and traffic violations related to highway safety shall be facilitated, for  
1247 the benefit of all member jurisdictions;

1248       (4) Compliance by each driver with all provisions of law pertaining  
1249 to the safe operation of a motor vehicle shall be required as a condition  
1250 to the issuance and to the retention of a driver's license;



1251 (5) Conviction of a driver or owner for any motor vehicle and traffic  
1252 violation related to highway safety in any jurisdiction shall be treated  
1253 as if the violation had occurred in the jurisdiction of record, for the  
1254 purpose of maintaining the driver control record and of imposing  
1255 administrative sanctions, as authorized by law;

1256 (6) All drivers shall be allowed to proceed on their way and shall  
1257 not be required to appear in person before a court or other tribunal,  
1258 regardless of their jurisdiction of record, after having been issued a  
1259 citation for certain motor vehicle and traffic violations;

1260 (7) All efforts shall be made to achieve greater uniformity among all  
1261 member jurisdictions concerning identification and verification  
1262 requirements for the issuance of a driver's license or identification  
1263 card;

1264 [(7)] (8) All efforts shall be made to achieve greater uniformity  
1265 among all member jurisdictions regarding the exchange of information  
1266 on drivers, licenses, and driver control records, including convictions  
1267 of violations and license withdrawal actions; [and]

1268 (9) All member jurisdictions wish to adhere to all applicable laws  
1269 that protect the privacy of personal information that is contained in  
1270 driver licensing records, and that is used in exchange of such records;  
1271 and

1272 [(8)] (10) All member jurisdictions shall act in the best interests of  
1273 highway safety and in a spirit of mutual cooperation to attain and  
1274 monitor compliance with the driver license agreement and to resolve  
1275 any dispute that may arise, at the administrative agency level of  
1276 authority and decision-making.

1277 Sec. 15. Section 14-111k of the general statutes, as amended by  
1278 section 11 of public act 03-171, is repealed and the following is  
1279 substituted in lieu thereof (*Effective January 1, 2005*):

1280 (a) Upon application for a motor vehicle operator's license or  
1281 identification card, the Commissioner of Motor Vehicles shall verify

1282 the identity of the applicant in accordance with the rules prescribed by  
1283 the operator's license agreement, as set forth in regulations adopted by  
1284 the commissioner, in accordance with the provisions of chapter 54, and  
1285 shall determine whether the applicant has ever held, or is the holder  
1286 of, a license issued by any other jurisdiction. The commissioner shall  
1287 not issue a license to any applicant whose license is withdrawn in any  
1288 other member jurisdiction for any conviction or administrative action  
1289 required to be reported under the driver license agreement, as  
1290 evidenced by the driver control record. The commissioner shall not  
1291 issue a license to any applicant who is the subject of a notice of failure  
1292 to comply, as reported by any other member jurisdiction. If the  
1293 applicant is the holder of any unexpired license issued by another  
1294 jurisdiction, the commissioner shall not issue a license unless the  
1295 applicant surrenders such license document previously issued by such  
1296 jurisdiction.

1297 (b) Notwithstanding the provisions of subsection (a) of this section,  
1298 the commissioner may issue [a class 1 or class 2] an operator's license  
1299 to an applicant who is the subject of a withdrawal of a commercial  
1300 driver's license in any other member jurisdiction if the conduct on  
1301 which such withdrawal is based would not have resulted in the  
1302 withdrawal of the privilege to operate any motor vehicle other than a  
1303 commercial motor vehicle.

1304 (c) Notwithstanding the provisions of subsection (a) of this section,  
1305 the commissioner may issue a motor vehicle operator's license to (1) an  
1306 applicant who is the subject of a withdrawal that occurred five years or  
1307 more before the date of application, or (2) an applicant whose license  
1308 has been withdrawn for the period of time required by the jurisdiction  
1309 of record, but whose license has not been returned or restored by such  
1310 jurisdiction due to the failure or the alleged failure to fulfill  
1311 reinstatement requirements, pertaining to the filing of proof of  
1312 financial responsibility or necessitating personal attendance in such  
1313 jurisdiction including, but not limited to, a requirement to complete an  
1314 education or treatment program. In exercising the discretion to grant  
1315 or deny an application for a license as conferred by the provisions of

1316 this subsection, the commissioner shall review and consider the entire  
1317 driver control record of the applicant, and may require additional  
1318 information and references from the applicant such as will attest to the  
1319 applicant's present fitness and capability to safely operate a motor  
1320 vehicle.

1321 (d) If the commissioner issues an identification card to a person who  
1322 holds an operator's license issued by another jurisdiction, the  
1323 commissioner shall report to such jurisdiction within thirty days the  
1324 name of such person and such other information concerning such  
1325 person and such identification card as is (1) required by the operator's  
1326 license agreement, and (2) set forth in regulations adopted by the  
1327 commissioner, in accordance with the provisions of chapter 54.

1328 Sec. 16. Section 14-163c of the general statutes is repealed and the  
1329 following is substituted in lieu thereof (*Effective January 1, 2005*):

1330 (a) The Commissioner of Motor Vehicles may adopt regulations, in  
1331 accordance with the provisions of chapter 54, which incorporate by  
1332 reference the standards set forth in [the Code of Federal Regulations,  
1333 Title 49, Parts 382, 383 and 385 through 397] 49 CFR 382 to 397,  
1334 inclusive, as amended. Such regulations, adopted by reference to the  
1335 provisions of [the Code of Federal Regulations, Title 49, Parts 382, 383  
1336 and 385 through 397] 49 CFR 382 to 397, inclusive, as amended, may be  
1337 made applicable to any motor vehicle or motor carrier, as defined in 49  
1338 CFR 390, which (1) is in intrastate commerce and has a gross vehicle  
1339 weight rating or gross combination weight rating of eighteen thousand  
1340 one or more pounds; or (2) is in interstate commerce and has a gross  
1341 vehicle weight rating or gross combination weight rating of ten  
1342 thousand one or more pounds; or (3) is designed to transport more  
1343 than fifteen passengers, including the driver; or (4) is used in the  
1344 transportation of hazardous materials in a quantity requiring  
1345 placarding under the Hazardous Materials Transportation Act, 49 USC  
1346 App. [1801-1813] 1801 to 1813, inclusive, unless exempted under the  
1347 provisions of the code or the provisions of subsection (b) of this  
1348 section.

1349 (b) The provisions relative to maximum driving and on-duty time as  
1350 set forth in [the Code of Federal Regulations, Title 49, Part 395, Section]  
1351 49 CFR 395.3, and as adopted by reference in regulations adopted  
1352 pursuant to subsection (a) of this section, shall not apply to any public  
1353 service company vehicle with a commercial registration when such  
1354 vehicle is used to transport passengers or property to or from any  
1355 portion of the state for the purpose of relief or assistance in case of  
1356 major loss of utility service or to any motor carrier or driver operating  
1357 a vehicle with a commercial registration when such vehicle is used to  
1358 provide emergency relief during an emergency in accordance with the  
1359 provisions of [Title 49, Section 390.23 of said code] 49 CFR 390.23. For  
1360 the purposes of this subsection, (1) "emergency" means any hurricane,  
1361 tornado, storm including a thunderstorm, snowstorm, ice storm,  
1362 blizzard or sandstorm, high water, wind-driven water, tidal wave,  
1363 tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire,  
1364 explosion, blackout or other occurrence, natural or man-made, which  
1365 interrupts the delivery of essential services including electricity,  
1366 medical care, sewer, water, telecommunications and  
1367 telecommunication transmissions or essential supplies including food  
1368 and fuel or otherwise immediately threatens human life or public  
1369 welfare, provided such hurricane, tornado or other event results in: (A)  
1370 A declaration of an emergency by the President of the United States,  
1371 the Governor, or their authorized representatives having authority to  
1372 declare emergencies, by the regional director of motor carriers for the  
1373 region in which the occurrence happens or by other federal, state or  
1374 local government officials having authority to declare emergencies, or  
1375 (B) a request by a police officer for tow trucks to move wrecked or  
1376 disabled motor vehicles, and (2) "emergency relief" means an operation  
1377 in which a motor carrier or driver of a commercial motor vehicle is  
1378 providing direct assistance to supplement state and local efforts and  
1379 capabilities to save lives or property or to protect public health and  
1380 safety as a result of an emergency.

1381 (c) The Commissioner of Motor Vehicles may grant variations or  
1382 exemptions from, or approve equivalent or alternate compliance with,  
1383 particular provisions of [the Code of Federal Regulations, Title 49,

1384 Parts 382, 383 and 385 through 397] 49 CFR 382 to 397, inclusive, as  
1385 amended, when strict compliance with such provisions would entail  
1386 practical difficulty or unnecessary hardship or would be otherwise  
1387 adjudged unwarranted, provided any such variation, exemption,  
1388 approved equivalent or alternate compliance shall, in the opinion of  
1389 the commissioner, secure the public safety.

1390 (d) Any state or municipal police officer or motor vehicle inspector  
1391 may (1) inspect any motor vehicle specified in subsection (a) of this  
1392 section in operation and examine its operator to determine compliance  
1393 with the provisions of [the Code of Federal Regulations, Title 49, Parts  
1394 382, 383 and 385 through 397] 49 CFR 382 to 397, inclusive, as  
1395 amended, (2) enter upon the premises of any motor carrier, as defined  
1396 in [the Code of Federal Regulations, Title 49, Section] 49 CFR 390.5, as  
1397 amended, for the purpose of inspecting records maintained by such  
1398 carrier, (3) conduct a safety rating procedure, in accordance with the  
1399 provisions of [the Code of Federal Regulations, Title 49, Part] 49 CFR  
1400 385, as amended, for any motor carrier that owns or operates any  
1401 motor vehicle identified in subsection (a) of this section, (4) declare a  
1402 motor vehicle or its operator out of service as provided in [the Code of  
1403 Federal Regulations, Title 49, Sections] 49 CFR 395.13 and 396.9, as  
1404 amended, or (5) issue an infractions complaint under the provisions of  
1405 this section, provided such officer or inspector meets the standards  
1406 established by the commissioner, in consultation with the  
1407 Commissioner of Public Safety, in regulations adopted in accordance  
1408 with the provisions of chapter 54.

1409 (e) (1) Any person who violates the provisions of this section or any  
1410 regulations adopted under this section shall, for a first violation, have  
1411 committed an infraction. (2) The commissioner may impose a civil  
1412 penalty on any person for a second or subsequent violation of the  
1413 provisions of this section or any regulations adopted under this section  
1414 if the acts or conduct on which the conviction is based arise out of the  
1415 operation of a motor vehicle in intrastate commerce and would, if such  
1416 acts or conduct had occurred with respect to operation of a motor  
1417 vehicle in interstate commerce, have subjected such person to a civil

1418 penalty under the provisions of [the Code of Federal Regulations, Title  
1419 49, Parts 382, 383 and 385 to 397] 49 CFR 382 to 397, inclusive, as  
1420 amended. The commissioner may adopt regulations, in accordance  
1421 with the provisions of chapter 54, to specify the amount of such civil  
1422 penalty provided such amount shall not exceed the amount specified  
1423 for the comparable violation under the applicable federal regulations,  
1424 or ten thousand dollars, whichever is less. Any person notified of the  
1425 assessment of a civil penalty under the provisions of this subsection  
1426 shall be entitled to an opportunity for an administrative hearing in  
1427 accordance with the provisions of chapter 54. If any person fails to  
1428 comply with the terms of a final decision and order of the  
1429 commissioner made pursuant to this subsection, the commissioner  
1430 may suspend any motor vehicle registration issued to such person or  
1431 such person's privilege to register any motor vehicle in this state until  
1432 such person complies with the terms of such final decision and order.

1433 Sec. 17. Section 14-250 of the general statutes is repealed and the  
1434 following is substituted in lieu thereof (*Effective January 1, 2005*):

1435 (a) The operator of each commercial motor vehicle transporting  
1436 passengers, [motor bus,] service bus or of each motor vehicle used for  
1437 the transportation of school children and the operator of each  
1438 commercial motor vehicle with a cargo tank or carrying hazardous  
1439 materials, as defined in section 14-1, as amended by this act, whether  
1440 loaded or empty, before crossing at grade any track or tracks of a  
1441 railroad, shall stop such vehicle not less than [ten] fifteen feet nor more  
1442 than fifty feet from the nearest rail of such track, and, while so  
1443 stopped, shall listen and look in each direction along such track or  
1444 tracks for approaching locomotives or trains before crossing such track  
1445 or tracks; and such operator shall not, in any event, cross such track or  
1446 tracks when warned by automatic signal, crossing gates, flagman, law  
1447 enforcement officer or otherwise of the approach of a railroad  
1448 locomotive or train.

1449 (b) The operator of any motor vehicle specified in subsection (a) of  
1450 this section shall not attempt to cross a railroad grade crossing if such

1451 vehicle cannot be driven completely through such crossing, without  
1452 shifting gears, on account of its width or the clearance of its  
1453 undercarriage.

1454 (c) The commissioner may adopt regulations, in accordance with the  
1455 provisions of chapter 54, to implement the provisions of this section,  
1456 including exemptions for certain crossings that are allowed by the  
1457 provisions of 49 CFR 392.10.

1458 (d) Any person who violates any provision of this section shall be  
1459 fined not less than one hundred fifty dollars nor more than two  
1460 hundred fifty dollars.

1461 Sec. 18. Subsection (a) of section 14-275c of the general statutes is  
1462 repealed and the following is substituted in lieu thereof (*Effective*  
1463 *January 1, 2005*):

1464 (a) The Commissioner of Motor Vehicles may, in accordance with  
1465 the provisions of chapter 54, make, alter or repeal regulations  
1466 governing the inspection, registration, operation and maintenance of  
1467 school buses and the licensing of the operators of such vehicles. Such  
1468 regulations shall incorporate the requirements of 49 CFR 383.123  
1469 regarding the qualifications of each applicant for an endorsement to  
1470 operate a school bus, issued in accordance with the provisions of  
1471 section 14-44, as amended by this act.

1472 Sec. 19. Section 54-56g of the general statutes, as amended by  
1473 sections 11 and 13 of public act 03-244 and section 177 of public act 03-  
1474 6 of the June 30 special session, is amended by adding subsection (f) as  
1475 follows (*Effective January 1, 2005*):

1476 (NEW) (f) The provisions of this section shall not be applicable in  
1477 the case of any person charged with a violation of section 14-227a  
1478 while operating a commercial motor vehicle, as defined in section 14-1,  
1479 as amended by this act.

1480 Sec. 20. (NEW) (*Effective January 1, 2005*) (a) If any person who holds  
1481 a commercial driver's license issued by another state is convicted of a

1482 violation of any provision of law related to motor vehicle traffic  
1483 control, as reported to the Commissioner of Motor Vehicles by the  
1484 centralized infractions bureau or any clerk of the Superior Court, the  
1485 commissioner shall notify the licensing authority of such state where  
1486 such person is licensed within thirty days of the date of such  
1487 conviction.

1488 (b) If any person who holds a motor vehicle operator's license  
1489 issued by any other state is convicted of a violation, arising out of the  
1490 operation of a commercial motor vehicle, of any provision of law  
1491 related to motor vehicle traffic control, as reported to the commissioner  
1492 by the centralized infractions bureau or any clerk of the Superior  
1493 Court, the commissioner shall notify the licensing authority of such  
1494 state where such person is licensed within thirty days of the date of  
1495 such conviction.

1496 (c) On and after September 30, 2008, the notification required by  
1497 subsections (a) and (b) of this section shall be made within ten days of  
1498 the date of such conviction.

1499 Sec. 21. (NEW) (*Effective July 1, 2004*) In any case where the  
1500 Commissioner of Motor Vehicles is authorized or required by any  
1501 section of title 14 of the general statutes to suspend the registration of a  
1502 motor vehicle, the commissioner may, for the period that is specified  
1503 for such suspension, suspend the privilege of the owner to transfer  
1504 such suspended registration, to register any other motor vehicle or, in  
1505 the case of a nonresident, to operate any motor vehicle on the  
1506 highways of this state.

1507 Sec. 22. Subdivisions (82) and (83) of section 12-412 of the general  
1508 statutes are repealed and the following is substituted in lieu thereof  
1509 (*Effective January 1, 2005*):

1510 (82) (A) The sale of and the storage, use or other consumption of any  
1511 commercial motor vehicle as defined in [subparagraphs (A) and (B) of  
1512 subdivision (11) of] section 14-1, as amended by this act, that is  
1513 operating pursuant to the provisions of section 13b-88 or 13b-89, as



1514 amended, during the period commencing upon its purchase and  
1515 ending one year after the date of purchase provided seventy-five per  
1516 cent of its revenue from its days in service is derived from out-of-state  
1517 trips or trips crossing state lines.

1518 (B) Each purchaser of a commercial motor vehicle exempt from tax  
1519 pursuant to the provisions of this subsection shall, in order to qualify  
1520 for said exemption, present to the retailer a certificate, in such form as  
1521 the commissioner may prescribe, certifying that seventy-five per cent  
1522 of such vehicle's revenue from its days in service will be derived from  
1523 out-of-state trips or trips crossing state lines. The purchaser of the  
1524 motor vehicle shall be liable for the tax otherwise imposed if, during  
1525 the period commencing upon its purchase and ending one year after  
1526 the date of purchase, seventy-five per cent of the vehicle's revenue  
1527 from its days in service is not derived from out-of-state trips or trips  
1528 crossing state lines.

1529 (83) (A) The sale of and the storage, use or other consumption of any  
1530 motor bus, as defined in [subdivision (44) of] section 14-1, as amended  
1531 by this act, that is operating pursuant to the provisions of section 13b-  
1532 88 or 13b-89, as amended, during the period commencing upon its  
1533 purchase and ending one year after the date of purchase provided  
1534 seventy-five per cent of its revenue from its days in service is derived  
1535 from out-of-state trips or trips crossing state lines.

1536 (B) Each purchaser of a motor bus exempt from tax pursuant to the  
1537 provisions of this subsection shall, in order to qualify for said  
1538 exemption, present to the retailer a certificate, in such form as the  
1539 commissioner may prescribe, certifying that seventy-five per cent of  
1540 such bus's revenue from its days in service will be derived from out-of-  
1541 state trips or trips crossing state lines. The purchaser of the motor bus  
1542 shall be liable for the tax otherwise imposed if, during the period  
1543 commencing upon its purchase and ending one year after the date of  
1544 purchase, seventy-five per cent of the bus's revenue from its days in  
1545 service is not derived from out-of-state trips or trips crossing state  
1546 lines.

1547 Sec. 23. Subsection (a) of section 14-12b of the general statutes is  
1548 repealed and the following is substituted in lieu thereof (*Effective*  
1549 *January 1, 2005*):

1550 (a) No motor vehicle registration shall be issued by the  
1551 commissioner for any private passenger motor vehicle, as defined in  
1552 subsection (e) of section 38a-363, or a vehicle with a commercial  
1553 registration, as defined in [subdivision (12) of] section 14-1, as  
1554 amended by this act, unless (1) the application for registration is  
1555 accompanied by a current automobile insurance identification card or  
1556 a copy of a current insurance policy or endorsement issued by a  
1557 company licensed to issue such insurance in this state or an approved  
1558 self-insurer or issued pursuant to the plan established under section  
1559 38a-329, verifying that the applicant has the required security  
1560 coverage, and (2) the applicant signs and files with the commissioner,  
1561 under penalty of false statement as provided for in section 53a-157b, a  
1562 statement on a form approved by the commissioner that the owner of  
1563 the vehicle has provided and will continuously maintain throughout  
1564 the registration period the minimum security required by section 38a-  
1565 371. In the case of an owner with a vehicle located outside of the  
1566 United States or Canada, the commissioner may accept in lieu of the  
1567 insurance identification card required to be presented for issuance of  
1568 the registration, an affidavit, in such form as the commissioner shall  
1569 require, executed by the owner and stating that the vehicle will not be  
1570 operated in the United States or Canada. The commissioner may  
1571 require an applicant for renewal of a motor vehicle registration for any  
1572 private passenger motor vehicle or vehicle with a commercial  
1573 registration to sign and file with the commissioner, under penalty of  
1574 false statement as provided for in section 53a-157b, a statement on a  
1575 form approved by the commissioner that the owner of the vehicle will  
1576 continuously maintain throughout the registration period the  
1577 minimum security required by said section 38a-371. Such form shall  
1578 call for and contain the name of the applicant's insurance company and  
1579 policy number.

1580 Sec. 24. Section 14-12c of the general statutes is repealed and the

1581 following is substituted in lieu thereof (*Effective January 1, 2005*):

1582       The commissioner may at any time require any owner of a private  
1583 passenger motor vehicle or a vehicle with a commercial registration, as  
1584 defined in [subdivision (12) of] section 14-1, as amended by this act, to  
1585 submit further information to verify the required security coverage  
1586 within the time specified by the commissioner. If the commissioner is  
1587 unable to verify the insurance information furnished, the  
1588 commissioner shall, unless such registrant has been reported as  
1589 cancelled in accordance with sections 38a-343, 38a-343a, 14-12c and 14-  
1590 12f to 14-12i, inclusive, afford such owner an opportunity for a hearing  
1591 in accordance with chapter 54 to determine whether such owner's  
1592 application for registration contains a material false statement or  
1593 whether he has failed to continuously maintain the security required  
1594 under section 38a-371. If the commissioner finds that the owner did  
1595 not have the required security in effect on the date of registration, or  
1596 that such owner presented a false or fraudulent insurance  
1597 identification card to the commissioner, the application for registration  
1598 shall be deemed to contain a material false statement. Any registration  
1599 issued as a result of such application shall be void from the date of  
1600 issue and the registration number plates shall be surrendered to the  
1601 commissioner or shall be subject to confiscation in accordance with the  
1602 provisions of section 14-12h. If the commissioner finds that the owner  
1603 had the required security in effect at the time such application was  
1604 submitted but failed to maintain it continuously during the  
1605 registration period, he shall cancel any registration issued as a result of  
1606 such application and the registration number plates shall be  
1607 surrendered to the commissioner or shall be subject to confiscation in  
1608 accordance with the provisions of section 14-12h. No new registration  
1609 for any motor vehicle, the registration of which has been cancelled  
1610 under this section, may be obtained except as provided by section 14-  
1611 12h.

1612       Sec. 25. Subsection (a) of section 14-15a of the general statutes is  
1613 repealed and the following is substituted in lieu thereof (*Effective*  
1614 *January 1, 2005*):

1615 (a) Each passenger motor vehicle, as defined in [subsection (40) of]  
1616 section 14-1, as amended by this act, which is leased or rented for a  
1617 period of more than thirty days in a calendar year primarily for use in  
1618 this state shall be registered in this state in accordance with the  
1619 provisions of section 14-12. For the purpose of this section, such period  
1620 shall include all times during which such vehicle may be absent from  
1621 the state while being used on a daily round-trip basis.

1622 Sec. 26. Subdivision (3) of section 14-165 of the general statutes is  
1623 repealed and the following is substituted in lieu thereof (*Effective*  
1624 *January 1, 2005*):

1625 (3) "Identification number" means the vehicle identification number  
1626 of a motor vehicle, as defined in [subdivision (91) of subsection (a) of]  
1627 section 14-1, as amended by this act.

1628 Sec. 27. Subsection (a) of section 14-168a of the general statutes is  
1629 repealed and the following is substituted in lieu thereof (*Effective*  
1630 *January 1, 2005*):

1631 (a) Notwithstanding the provisions of any section of the general  
1632 statutes to the contrary, a used car dealer licensed in accordance with  
1633 the provisions of section 14-52 who enters into a contract with a  
1634 manufacturer of equipment or parts used in the assembly of a wrecker,  
1635 including a flatbed wrecker, as defined in [subdivision (65) of] section  
1636 14-1, as amended by this act, or used in the assembly of a special  
1637 purpose body to a cab and chassis, including a body for a refuse  
1638 compactor, transit mixer, dump truck, tank truck or other vehicle  
1639 designed for the transportation of bulk materials or to which  
1640 machinery is attached, and who purchases from a new car dealer  
1641 licensed in accordance with the provisions of section 14-52 any new  
1642 chassis, cab or other portion of an incomplete motor vehicle for such  
1643 purpose, may sell or offer for sale such wrecker or other motor vehicle  
1644 as a new motor vehicle provided all parts of any such wrecker or other  
1645 motor vehicle are new.

1646 Sec. 28. Subsection (a) of section 14-267b of the general statutes is

1647 repealed and the following is substituted in lieu thereof (*Effective*  
1648 *January 1, 2005*):

1649 (a) The provisions of subdivisions (1), (2), (3), (4) and (7) of  
1650 subsection (b) of section 14a-267a shall not apply to any motor bus, as  
1651 defined in [subdivision (44) of subsection (a) of] section 14-1, as  
1652 amended by this act, if such motor bus complies with the weight limits  
1653 specified in 23 CFR 658.17.

1654 Sec. 29. Subsection (a) of section 14-279 of the general statutes is  
1655 repealed and the following is substituted in lieu thereof (*Effective*  
1656 *January 1, 2005*):

1657 (a) The operator of any vehicle, motor vehicle, or authorized  
1658 emergency vehicle, as defined in [subdivision (4) of subsection (a) of]  
1659 section 14-1, as amended by this act, shall immediately bring such  
1660 vehicle to a stop not less than ten feet from the front when  
1661 approaching and not less than ten feet from the rear when overtaking  
1662 or following any registered school bus on any highway or private road  
1663 or in any parking area or on any school property when such bus is  
1664 displaying flashing red signal lights, except at the specific direction of  
1665 a traffic officer. Vehicles so stopped for a school bus shall not proceed  
1666 until such bus no longer displays flashing red signal lights. At the  
1667 intersection of two or more highways vehicular turns toward a school  
1668 bus receiving or discharging passengers are prohibited. The operator  
1669 of a vehicle upon a highway with separate roadways need not stop  
1670 upon meeting or passing a school bus which is on a different roadway.

1671 Sec. 30. Subsection (c) of section 14-290 of the general statutes is  
1672 repealed and the following is substituted in lieu thereof (*Effective*  
1673 *January 1, 2005*):

1674 (c) Any wrecker, as defined in [subdivision (90) of] section 14-1, as  
1675 amended by this act, shall be exempt from the provisions of section 14-  
1676 267a, as amended, provided such wrecker is in the course of towing or  
1677 hauling a disabled motor vehicle from the point where such vehicle  
1678 became disabled and does not exceed any of the weight limits

1679 provided in section 14-267a, as amended, by more than twenty per  
1680 cent.

1681 Sec. 31. Section 14-325a of the general statutes is repealed and the  
1682 following is substituted in lieu thereof (*Effective January 1, 2005*):

1683 Any person licensed under section 14-319 to dispense motor fuel for  
1684 sale to the public for any motor vehicle, as defined in [subdivision (47)  
1685 of] section 14-1, as amended by this act, except any such person who is  
1686 licensed to so dispense such fuel at a retail food store which he owns  
1687 and operates and which dispenses less than ten thousand gallons of  
1688 gasoline in any one month, shall provide for free public use an air  
1689 compressor for the purpose of tire inflation during the hours such  
1690 premises are open for business. Each such licensee shall post a sign in a  
1691 conspicuous location upon the premises and in such form as the  
1692 commissioner may require, informing the public of the availability of  
1693 an air compressor for free public use during the hours such premises  
1694 are open. Such compressor shall be capable of producing at least  
1695 eighty pounds per square inch pressure at the outlet.

1696 Sec. 32. Subdivision (1) of subsection (d) of section 38a-790 of the  
1697 general statutes is repealed and the following is substituted in lieu  
1698 thereof (*Effective January 1, 2005*):

1699 (1) "Motor vehicle" is defined as provided in [subsection (30) of]  
1700 section 14-1, as amended by this act.

1701 Sec. 33. Section 42-179b of the general statutes, as amended by  
1702 section 146 of public act 03-6 of the June 30 special session, is repealed  
1703 and the following is substituted in lieu thereof (*Effective January 1,*  
1704 *2005*):

1705 Each motor vehicle dealer, as defined in [subsection (11) of] section  
1706 14-1, as amended by this act, and each person engaged in the business  
1707 of leasing new motor vehicles shall, at the time of sale or execution of  
1708 the lease of any new motor vehicle, deliver to the consumer, as defined  
1709 in subdivision (1) of subsection (a) of section 42-179, of such vehicle

1710 written information, in a form approved by the Commissioner of  
1711 Consumer Protection, which explains the new automobile warranty  
1712 and dispute settlement program established pursuant to this chapter.

1713 Sec. 34. Subdivisions (2) and (3) of section 42-220 of the general  
1714 statutes are repealed and the following is substituted in lieu thereof  
1715 (*Effective January 1, 2005*):

1716 (2) "Motor vehicle" means a motor vehicle, as defined in  
1717 [subdivision (30) of] section 14-1, as amended by this act;

1718 (3) "Used motor vehicle" means a used or secondhand motor  
1719 vehicle, as defined in [subdivision (62) of] section 14-1, as amended by  
1720 this act.

1721 Sec. 35. Section 14-44a of the general statutes is repealed and the  
1722 following is substituted in lieu thereof (*Effective January 1, 2005*):

1723 (a) No person may drive a commercial motor vehicle on the  
1724 highways of this state unless the person holds a commercial driver's  
1725 license issued by this state or another state, with applicable  
1726 endorsements valid for the vehicle he is driving.

1727 (b) The provisions of subsection (a) of this section shall not apply to  
1728 (1) the holder of a commercial driver's instruction permit when  
1729 accompanied in the vehicle by the holder of a commercial driver's  
1730 license, or (2) any military personnel who operate commercial motor  
1731 vehicles solely in connection with their military duties, in accordance  
1732 with 49 CFR 383.3(c).

1733 (c) Any person who violates the provisions of subsection (a) of this  
1734 section shall operate a motor vehicle in violation of the classification of  
1735 the license issued to him, and shall be subject to the penalties provided  
1736 in subsection (d) of section 14-36a, as amended.

This act shall take effect as follows:	
Section 1	January 1, 2005

Sec. 2	January 1, 2005
Sec. 3	January 1, 2005
Sec. 4	January 1, 2005
Sec. 5	January 1, 2005
Sec. 6	January 1, 2005
Sec. 7	January 1, 2005
Sec. 8	January 1, 2005
Sec. 9	January 1, 2005
Sec. 10	January 1, 2005
Sec. 11	January 1, 2005
Sec. 12	January 1, 2005
Sec. 13	July 1, 2004
Sec. 14	July 1, 2004
Sec. 15	January 1, 2005
Sec. 16	January 1, 2005
Sec. 17	January 1, 2005
Sec. 18	January 1, 2005
Sec. 19	January 1, 2005
Sec. 20	January 1, 2005
Sec. 21	July 1, 2004
Sec. 22	January 1, 2005
Sec. 23	January 1, 2005
Sec. 24	January 1, 2005
Sec. 25	January 1, 2005
Sec. 26	January 1, 2005
Sec. 27	January 1, 2005
Sec. 28	January 1, 2005
Sec. 29	January 1, 2005
Sec. 30	January 1, 2005
Sec. 31	January 1, 2005
Sec. 32	January 1, 2005
Sec. 33	January 1, 2005
Sec. 34	January 1, 2005
Sec. 35	January 1, 2005

**TRA**      Joint Favorable Subst. C/R

FIN

**FIN**      Joint Favorable



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Motor Vehicle Dept.	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

The bill will preclude the state from losing a portion of its federal highway funds. Failure to comply with the provisions of the Motor Carrier Safety Improvement Act (MCSIA) by September 30, 2005 will result in the state losing all federal MCSIA funding and a portion of all federal highway funds (5% in the first year and 10% thereafter). The MCSIA grant to the state is \$1 million annually where as all federal highway funds the state receives is in excess of \$500 million annually could be jeopardized.

---

**OLR BILL ANALYSIS**

sSB 28

***AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL  
MOTOR CARRIER SAFETY IMPROVEMENT ACT*****SUMMARY:**

The bill makes numerous to the laws governing issuing, qualifying for, and holding a commercial driver's license (CDL). Many of these changes are required to comply with provisions of the federal Motor Carrier Safety Improvement Act of 1999 with which the state must be in substantial compliance by September 30, 2005. It also makes changes to laws regarding drivers of vehicles transportation hazardous materials that are required by provisions of the USA Patriot Act. The bill makes several additional changes that are not required for compliance with these laws.

Specifically, it:

1. revises the license classification system to create four instead of two license classes;
2. revises the endorsements that allow CDL holders to drive certain specialized vehicles;
3. exempts from the requirement to hold a CDL, military personnel who operate commercial motor vehicles solely in connection with their military duties in accordance with federal regulations;
4. modifies the endorsement necessary for driving a school bus and creates three new endorsements related to the school bus endorsement, including creation of a new endorsement for school-related activity vehicles;
5. expands the definition of a school bus to include a commercial motor vehicle, except a bus used by a common carrier, used to transport preschool, elementary school, or secondary school students between home and school or to and from school-sponsored events;

6. authorizes the commissioner to waive the skills test for an applicant for a school bus endorsement who meets the requirements for such a waiver under federal regulations;
7. requires an applicant, for renewal of a CDL that allows him to transport passengers in a commercial motor vehicle, to present the commissioner with evidence that he is in compliance with the medical qualifications established under federal regulation;
8. applies new federal requirements for background checks for drivers of vehicles carrying hazardous materials, and makes related changes;
9. authorizes the motor vehicle commissioner to disqualify a CDL holder under certain circumstances when he receives a notice of threat assessment from the federal Transportation Security Administration;
10. requires the commissioner to request information from two federal databases before issuing a driver's license that is not a CDL and requires the currently required inquiry of the two databases for a CDL to cover the preceding 10, instead of five, years;
11. requires CDL renewals to be for four rather than six years and requires applicants for renewal for the first time, beginning January 1, 2005, to provide the names of all states in which they have been licensed previously;
12. establishes additional grounds for disqualifying a CDL holder from driving a commercial motor vehicle for certain periods;
13. establishes an additional disqualification based on a federal finding that a CDL holder's driving constitutes an imminent hazard to the public;
14. applies the lifetime disqualification of a CDL holder to commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance while using any type of motor vehicle rather than just a commercial motor vehicle;
15. requires notification of disqualification, suspension, cancellation, or

revocation to a CDL holder to identify the violation that is the basis of the action;

16. requires the commissioner to notify the state of licensure when he receives a report from the court of a driver licensed in another state being convicted of violating a Connecticut traffic control law;
17. expands requirements for drivers of certain types vehicles to stop at rail-highway grade crossings and proceed across the crossing only under certain circumstances to reflect federal requirements;
18. increases the civil penalty for an employer who knowingly permits or requires a driver subject to an out-of-service order to drive a commercial motor vehicle from \$2,500-\$10,000 to \$2,750-\$11,000;
19. increases the civil penalty for a commercial vehicle driver who violates an out-of-service order from \$1,000-\$2,500 to \$1,100-\$2,750;
20. makes the pretrial alcohol education program unavailable to those charged with a violation of driving while under the influence of alcohol, drugs, or both if the person was driving a commercial motor vehicle;
21. in any case where the commissioner is authorized or required by law to suspend a motor vehicle registration, authorizes him to also suspend, for the same period, the person's privilege to transfer the suspended registration, register any other vehicle, or, if a nonresident, operate any vehicle in Connecticut;
22. modifies statutory provisions governing the Department of Motor Vehicle's participation in the multi-state Driver License Compact, mainly to incorporate new pact requirements relating to procedures involving issuance of non-driver photo identification cards; and
23. makes technical changes.

EFFECTIVE DATE: January 1, 2005, except for the provisions relating to the Driver License Agreement and the commissioner's authority to suspend, commensurate with a registration suspension, someone's ability to transfer a suspended registration or register other vehicles, which are effective on July 1, 2004

## **LICENSE CLASSIFICATIONS AND ENDORSEMENTS**

### ***License Classifications***

The bill redefines Connecticut drivers' license classifications and modifies the endorsements that authorize driving of certain special vehicles. Currently, Connecticut licenses are one of two types—class 1 or class 2. A CDL is a class 1 license with one of three sub-classifications—class A for driving any combination of vehicles with a gross vehicle weight rating (GVWR) above 26,000 pounds when the GVWR of any towed vehicle exceeds 10,000 pounds; class B for driving any single vehicle with a GVWR over 26,000 pounds and a towed vehicle with a GVWR of 10,000 pounds or less; and class C for driving a single vehicle meeting neither of the definitions above but (1) designed to transport 16 or more passengers including the driver, (2) designed to transport 11 or more passengers including the driver and used to transport students under age 21 to and from school, or (3) a vehicle that must display placards for carrying hazardous materials. Most people in Connecticut have a class 2 license that allows them to drive any motor vehicle except a commercial motor vehicle, an articulated vehicle, or any other combination of vehicle and trailer where the gross weight of the trailing unit is more than 10,000 pounds (except if it is a camping or recreational trailer).

Under the bill, the class 1 and 2 system is replaced by (1) CDLs, which are designated as either class A, B, or C based on the same distinctions as under the current law and (2) a class D license for all other vehicle operators. Someone with a class D license could drive certain vehicles that he cannot drive with the current class 2 license, e.g. vehicles with GVWR between 10,000 and 26,000 pounds that do not meet the passenger or hazardous materials carrying specifications making them commercial motor vehicles.

### ***CDL Endorsements***

Currently, licenses can have one or more endorsements or restrictions. These apply primarily to CDLs and are necessary for driving special types of vehicles. The endorsements currently authorized by statute are "H" for driving hazardous materials (hazmat); "T" for driving double or triple trailers and saddle-mounted vehicles in drive-away service; "P" for commercial vehicles carrying passengers; "S" for

commercial vehicles carrying passengers, including school buses; “N” for driving tank vehicles; and “X” for driving tank vehicles carrying hazardous materials. The law also authorizes two types of restrictions – “L” which restricts the driver to vehicles that do not have air brakes and “Z” which restricts the driver to school buses only.

DMV also issues a number of other license restriction codes under the commissioner’s broad statutory authority but that are not explicitly mentioned by statute. These cover things like corrective lenses, mechanical or prosthetic aids, hearing aids, automatic transmission vehicles only, limited or daylight only driving, intrastate driving only, no limited access highway driving, and medical waivers, among other things.

The bill maintains the H (hazmat), T (multiple trailer), P (passenger), N (tank), and X (tank/hazmat) endorsements but eliminates the L (air brake) and Z (school bus only) restrictions. It redefines the S endorsement for a CDL to allow driving a school bus, student transportation vehicle, activity vehicle, taxicab, motor vehicle in livery service, service bus, and motor bus. It creates three new endorsements that can be made on either a CDL or a class D license. These are the “F” endorsement for transporting passengers in a taxicab, livery vehicle service bus, or motorbus; an “A” endorsement for transporting passengers in an activity vehicle or in any F endorsement vehicle; and a “V” endorsement for transporting passengers in a student transportation vehicle or in any A or F endorsement vehicle.

The bill defines an activity vehicle as a student transportation vehicle that is used to transport students in connection with school-sponsored events and activities but is not used to transport them to and from school (See COMMENT). By law, a “student transportation vehicle” is any vehicle other than a registered school bus that a carrier uses to transport students, including special education students. A carrier can be (1) a local or regional school district, any elementary or secondary educational institution, or any entity under contract to a district or school in the business of transporting school children; (2) any entity providing transportation for compensation exclusively to anyone under age 21; or (3) any corporation, institution, or nonprofit organization providing transportation as an ancillary service primarily to those under age 18.

The bill authorizes the commissioner to establish restrictions for any

class of CDL by regulation.

### ***School Bus Endorsement***

The bill requires the DMV regulations regarding the inspection, registration, operation, and maintenance of school buses and the licensing of school bus drivers to incorporate requirements of federal regulation regarding the qualifications for applicants for a school bus endorsement. The federal criteria include: (1) qualification for a passenger vehicle endorsement based on passage of the knowledge and skills test; (2) knowledge covering at least (a) loading and unloading children, including safe operation of stop signals, external mirror systems, and flashing light and other passenger safety devices required by federal law or regulation; (b) emergency exits and evacuation procedures, and (c) state and federal laws on safely traversing rail-highway grade crossings; and (3) passage of a skills test in school bus of the same type as the applicant will be driving.

The bill allows the commissioner to waive the skills test if the applicant meets the requirements for waiver under federal regulation. These specify that the state may waive the skills test if the applicant is currently licensed, has experience driving a school bus, and has a good driving record. The applicant must also certify that in the two years immediately before applying for the school bus endorsement he (1) held a valid CDL with a passenger endorsement to operate a school bus representative of the group he will be driving; (2) has not had his driver's license or CDL suspended, revoked, or cancelled or been disqualified from driving a commercial motor vehicle; (3) has not been convicted of any disqualifying offenses while operating a commercial motor vehicle or of any offense while operating any other type of vehicle that would be disqualifying if it had occurred in a commercial motor vehicle; (4) has not had more than one conviction for a serious traffic violation while operating any type of motor vehicle; (5) has not had any conviction for a violation of state or local traffic control law other than a parking violation arising in connection with a traffic accident; (6) has not been convicted of any traffic violation that resulted in an accident; and (7) has been regularly employed as a school bus driver, has operated a bus representative of the group he wants to drive, and provides evidence of such employment. However, the regulation specifies that these provisions do not apply after September 30, 2005.

---

**Evidence of Medical Qualification**

The bill requires an applicant for renewal of a CDL that allows him to transport passengers in a commercial motor vehicle to present the commissioner with evidence that he is in compliance with the medical qualifications established under federal regulation. These regulations specify that the person must have the original or a photographic copy of a medical examiner's certificate that he is physically qualified to drive the commercial motor vehicle. Under the regulations, someone is physically qualified to drive such a commercial motor vehicle if he:

1. has no loss of a foot, leg, hand, or arm, or has been granted a skill performance evaluation certificate under other federal requirements;
2. has no impairment of a hand or finger that interferes with prehension or power grasping or of an arm, foot, or leg that interferes with the ability to perform tasks associated with driving such a vehicle;
3. has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
4. has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;
5. has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to drive the vehicle safely;
6. has no current clinical diagnosis of high blood pressure likely to interfere with his ability to drive the vehicle safely;
7. has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease that interferes with his ability to control and operate the vehicle safely;
8. has no established medical history or clinical diagnosis of epilepsy or any other condition that is likely to cause loss of consciousness



- or loss of ability to control a commercial motor vehicle;
9. has no mental nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive the vehicle safely;
  10. has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or separately corrected to that level or better with corrective lenses, distant binocular acuity of at least 20/40 in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye; and the ability to recognize colors of standard traffic signals;
  11. first perceives a forced whisper in the better ear at not less than five feet with or without a hearing aid or, if tested with an audiometric device calibrated to a specific national standard, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid;
  12. does not use a Schedule I controlled substance, an amphetamine, narcotic, or other habit forming drug unless prescribed by a licensed medical practitioner who both knows the driver's medical history and assigned duties and has advised the driver that it will not adversely affect his ability to safely operate the vehicle; and
  13. has no current clinical diagnosis of alcoholism.

### ***Hazardous Materials Endorsement***

The bill makes applicants for a hazardous materials endorsement subject to a federal law requiring background checks of relevant databases with respect to (1) criminal history; (2) in the case of an alien, to determine his status under the U.S. immigration laws; and (3) international checks through Interpol-U. S. National Central Bureau. Under this law, the state must provide the U.S. transportation secretary with the name, address, and any other information he requires for each person to whom the state issues a license to transport hazardous materials. For these purposes, hazardous materials also include any chemical or biological material the federal health and human services or attorney general determines to be a threat to national security.

---

**Denial Based on Federal Security Threat Assessment**

The bill authorizes the motor vehicle commissioner to refuse to issue, suspend, or revoke the hazardous materials endorsement of anyone for whom he receives a Final Notice of Threat Assessment from the U.S. Transportation Security Administration in accordance with federal regulations. Under these regulations, the federal agency makes a determination based on several criteria whether the person represents a security threat and notifies the state either positively or negatively.

**LICENSE ISSUING PROCEDURES**

Before issuing a non-CDL driver's license, the bill requires the commissioner to request information from the National Driver Registry (NDR) and the Commercial Driver License Information System (CDLIS) in accordance with federal regulations and note on each driving history the date on which the inquiry was made. The CDLIS check must determine whether the person has been issued a CDL; whether his CDL has been suspended, revoked, or cancelled; or if he is disqualified from operating a commercial motor vehicle. The NDR check must determine if the person has been disqualified from driving a motor vehicle other than a commercial motor vehicle; has had a non-CDL license suspended, revoked, or cancelled for cause in the three-year period prior to the date of application; or has been convicted of (1) operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance, (2) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highway, (3) failure to render aid or provide identification when involved in an accident that results in injury or fatality, or (4) perjury or the knowledgeable making of a false statement or affidavit to officials in connection with activities governed by law or regulation relating to operation of a motor vehicle.

For CDLs, the bill requires the currently required CDLIS and NDR check to identify each state in which the person has been licensed in the preceding 10 instead of five years,

The bill requires the application for a CDL or CDL instruction permit to include the applicant's identification of all states in which he has been licensed to drive any type of motor vehicle during the last 10 years and his sworn statement that he does not hold an operator's

license in any other state.

## **CDL RENEWALS**

The bill requires CDLs to be renewed for four rather than six years. Beginning January 1, 2005, each applicant must, at the time he is renewing his CDL for the first time, provide the names of all states in which he has ever been issued a motor vehicle operator's license. If during the preceding 10 years he has held a license in another state, the commissioner must request the driving history record from that state or states. If the commissioner receives a driving history request from another state regarding a CDL holder, he must provide the record within 30 days as required by federal regulation.

## **GROUND FOR DISQUALIFICATION FROM DRIVING A COMMERCIAL MOTOR VEHICLE**

### ***One-Year Disqualification***

Currently, a CDL holder is disqualified from driving a commercial motor vehicle for one year if he is convicted of one violation of (1) driving any motor vehicle (not only a commercial motor vehicle) while under the influence of alcohol, drugs, or both; (2) evading responsibility following an accident when it involves a commercial motor vehicle; or (3) using a commercial motor vehicle in the commission of a felony. The bill expands the last disqualification to include use of any motor vehicle, not only a commercial motor vehicle in the commission of a felony. It also adds one-year disqualifications for one conviction of (1) refusing to submit to a chemical test of blood-alcohol content when operating any motor vehicle, rather than only a commercial motor vehicle, or failing such a test when it is given; (2) operating a commercial motor vehicle with a blood-alcohol content of .04% or more; (3) driving a commercial motor vehicle while a CDL is revoked, suspended, or cancelled, or while disqualified from driving such a vehicle; or (4) causing a fatality through negligent or reckless operation of a commercial motor vehicle as evidenced by conviction of negligent homicide with a motor vehicle, manslaughter in the second degree with a motor vehicle, misconduct with a motor vehicle, or assault in the second degree with a motor vehicle (See COMMENT).

The current three-year rather than one-year disqualification if the offense occurs while driving a vehicle transporting hazardous materials requiring placards under federal law would apply to the

bill's expanded list of offenses as well.

### ***Disqualification for Serious Traffic Violations***

By law, a CDL holder must be disqualified from driving a commercial motor vehicle for at least 60 days if convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period. Currently, serious traffic violations include convictions, while operating commercial motor vehicle, (1) for traveling unreasonably or speeding, if the speed was 15 miles per hour or more above the posted speed limit; (2) reckless driving; (3) following too closely or following too closely with intent to harass or intimidate; (4) improper lane changes or passing on multiple lane highways; or (5) any conviction arising in connection with an accident related to operation of a commercial motor vehicle that resulted in a fatality.

The bill expands this provision to apply to offenses committed while driving any type of vehicle. It also includes driving a commercial motor vehicle without a valid CDL, failing to carry a CDL, and failure to have a proper class of license or endorsement.

### ***Disqualification Based on Driving Constituting an Imminent Hazard***

The bill requires any CDL holder whose driving is determined by the Federal Motor Carrier Safety Administration (FMCSA) to constitute an imminent hazard to be disqualified from driving a commercial motor vehicle for up to 30 days unless the commissioner is satisfied that FMCSA has complied with the review and hearing procedures set out in federal regulation. The bill defines an "imminent hazard" as the existence of a condition that presents the substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of the death, illness, injury, or endangerment. (This is the definition used in the federal regulations.)

The procedures with which FMCSA must comply allow it to provide an opportunity for a hearing after issuing a disqualification for a period of 30 days or less. FMCSA is required to provide the driver

with notice of a disqualification period of more than 30 days and an opportunity for a hearing to present a defense to the proposed disqualification. The driver may appeal his disqualification administratively within FMCSA. Disqualifications can be up to one year long.

### **NOTIFICATION OF OTHER STATES OF OFFENSES OCCURRING IN CONNECTICUT**

The bill requires the commissioner to notify the state of licensure within 30 days when he has been notified by the centralized infractions bureau or any Superior Court clerk that someone holding (1) a CDL issued by another state is convicted of violating any Connecticut law relating to traffic control or (2) an operator's license issued by another state is convicted of violating a traffic control law while operating a commercial motor vehicle. Beginning September 30, 2008, this notice must be made within 10 rather than 30 days of the conviction.

### **REQUIREMENTS FOR STOPPING AT RAIL-HIGHWAY GRADE CROSSINGS**

Currently, the driver of a commercial motor vehicle carrying passengers, a service bus, any vehicle used to transport school children, and a commercial motor vehicle carrying hazardous materials must stop his vehicle at least 10 but not more than 50 feet from the nearest rail at a rail-highway grade crossing; check in both directions for approaching trains before crossing the track; and in no event cross the track when warned by automatic signal, crossing gates, a flagman, or otherwise of the approach of a train. The bill increases the minimum stopping distance from 10 to 15 feet from the nearest track and adds commercial motor vehicles with cargo tanks to the types of vehicle that must stop.

The bill also prohibits the driver from attempting to cross the grade crossing if his vehicle cannot be driven completely through the crossing, without shifting gears, on account of its width or the clearance of its undercarriage. It authorizes the commissioner to adopt regulations to implement these requirements, including the exemptions that apply for certain crossings in federal regulations. These generally include exemptions for (1) streetcar crossings, or tracks used exclusively for industrial switching purposes, within a business district; (2) crossings where a police officer or crossing flagman directs traffic to proceed; (3) a crossing controlled by a

functioning traffic signal showing a green indication that, under local law, allows the driver to proceed without slowing or stopping; (4) an abandoned crossing that is marked with an appropriate sign; and (5) an industrial spur line crossing with a sign reading "Exempt" that has been erected by appropriate governmental authority.

## **DRIVER LICENSE AGREEMENT**

By law, the commissioner is authorized to participate in the Drivers License Agreement (DLA), a multi-state compact administered by the American Association of Motor Vehicle Administrators. Under the DLA, all participating states must have one driver's license that is recognized by all other member states and maintain one driver history. Member states exchange various types of information and take appropriate licensing actions that take drivers' actions in other jurisdictions into account in their home state.

The bill requires the commissioner to (1) verify the identity of an applicant for a driver's license or nondriver photo identification card in accordance with DLA procedures and requires the commissioner to set these out by regulation and (2) follow the same procedures when issuing nondriver photo identification cards that he does for issuing drivers' licenses. If he issues an identification card to someone who holds a driver's license from another DLA jurisdiction, he must report within 30 days the person's name and any other information on the person or identification card that the DLA requires and he has set out in the required regulations.

The bill also adds two provisions to the general declarations for participation in the DLA that generally reflect recent changes to the DLA. Specifically, these include statements that (1) efforts must be made to achieve greater uniformity among members concerning identification and verification requirements for issuing drivers' licenses and nondriver photo identification cards and (2) member jurisdictions wish to adhere to all applicable laws that protect the privacy of personal information that is contained in driver licensing records and that is used in exchanging such records.

## **COMMENT**

### ***New Provisions Regarding Grounds for One-Year Disqualification From Operating a Commercial Motor Vehicle***

The bill modifies the current one-year disqualification for refusing to take a chemical test of blood-alcohol content (BAC) if operating a commercial motor vehicle, failing a BAC test when it is given, or driving a commercial motor vehicle with a BAC of .04% or more, but it is unclear how these grounds for disqualification can be determined. Currently, the one-year disqualification from driving a commercial motor vehicle applies if the commissioner finds that the person refused to take a BAC test while driving a commercial motor vehicle (but not any other type of vehicle) or he fails such a test if it is given. Failure is defined as having a BAC of .04% or more. The bill requires instead that the person be “convicted” of a violation of refusing to submit to a BAC test while operating any motor vehicle (not just a commercial motor vehicle), failing such a test when it is given, or operating a commercial motor vehicle with a BAC of .04% or more. Currently, these are determined by the commissioner administratively. However, the bill requires instead that they result from a “conviction.” It is not clear how a conviction for refusing to take a blood-alcohol content test or operating a commercial motor vehicle with a blood-alcohol content of .04% or more would be determined for purposes of applying the disqualification. Refusing to take a chemical test of blood-alcohol content is punishable through DMV’s administrative license suspension procedure and not through court action and operating a commercial motor vehicle with a BAC of .04% or more is not illegal under Connecticut law and results in no criminal charge.

### ***Ambiguity in Definition of Activity Vehicle***

The bill defines an activity vehicle as a student transportation vehicle used to transport students in connection with school-sponsored events and activities, but not to and from school. Presumably, this means between home and school since it is likely that most transportation for school-sponsored activities would probably be done to and from school.

## **COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 27      Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report  
Yea 45 Nay 0